



# STATE OF NORTH CAROLINA

## 2009 Children's Justice Act 3-Year Study

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## **EXECUTIVE SUMMARY**

From July 2005 through June 2006, some 110,236 North Carolina children were assessed by social services for abuse and/or neglect perpetrated by a caretaker. Local social service agencies were able to substantiate abuse and/or neglect for some 16,379 of those children.<sup>1</sup> Though helpful, these numbers fail to take stock of the entire picture of child maltreatment in North Carolina, given that the State presently lacks a centralized means to collect data on all children maltreated by adults not classified as caretakers (e.g., teachers, acquaintances, or strangers). Though improvements have been made in North Carolina's response to child maltreatment (some of which are outlined in this document), much work remains to be done, as illustrated by the 34 confirmed child abuse homicides in 2006 alone, the majority of which involved abusive head trauma.<sup>2</sup>

In 1974 the United States Congress passed the Child Abuse Prevention and Treatment Act (CAPTA<sup>3</sup>) so as to improve the identification, prevention, and treatment of child abuse and neglect. Section 107 of CAPTA, known as the Children's Justice Act (CJA<sup>4</sup>), authorizes states to fund programs to improve the handling of child abuse and neglect cases. To receive Children's Justice Act funds, states must meet several criteria, including establishment of a multidisciplinary Children's Justice Task Force. Each such Task Force performs a comprehensive review and evaluation of that state's investigative, administrative, and judicial handling of cases of child abuse and neglect, making policy and training recommendations to address the systemic needs highlighted in that review. This task, to be performed every three years, forms the basis of this report.

In North Carolina, the Child Abuse & Neglect Subcommittee (to the Juvenile Justice Planning Committee) of the Governor's Crime Commission serves as the Children's Justice Task Force. The Child Abuse & Neglect Subcommittee conducted the current (2009) study by reviewing data from individual workers, direct service agencies, research institutions, and statewide studies of child maltreatment. To supplement the review of quantitative data, the Child Abuse & Neglect Subcommittee incorporated recommendations gleaned from other entities working to address child maltreatment in North Carolina. In addition, the Subcommittee also conducted its own analyses of key elements of North Carolina's response to child maltreatment and the adequacy of same. The present document serves a descriptive function, detailing the present system so as to provide context and ground for the system improvement Recommendations which follow.

### **Study Summary**

The North Carolina statutory definitions of abuse and neglect involve subjection of a child to some harm or risk of harm by the child's parent, guardian, custodian, or

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<sup>1</sup> Child Abuse Statistics Summary, *available at* <http://www.ncdhhs.gov/dss/stats/docs/Annualtotals%202006.xls> (last visited July 8, 2008).

<sup>2</sup> North Carolina Child Abuse Fatalities – Confirmed Deaths in 2006, *available at* <http://www.preventchildabusenc.org/childabuseinfo/fatality-chart> (last visited July 8, 2008).

<sup>3</sup> Child Abuse Prevention and Treatment Act (42 U.S.C. §§ 5101, *et seq.*).

<sup>4</sup> Children's Justice Act (42 U.S.C. § 5106c).

caretaker.<sup>5</sup> County departments of social services (supervised by the State Division of Social Services) respond to reports of child abuse and neglect.

In 2002 the North Carolina Division of Social Services reformed the entire continuum of child welfare through implementation of the family-centered Multiple Response System (MRS). In the new system, reports of abuse and neglect are assigned to either the Investigative Track (if abuse, abandonment, or severe neglect is involved) or to the Family Assessment track (with reports that involve neglect and/or dependency). The theory behind this alternative “Family Assessment” track is that it ensures the safety and well-being of children while at the same time engaging partners, families, and the children themselves (if age appropriate) to identify and access needed services to keep the family together. At present, MRS is fully implemented in each of North Carolina’s 100 counties, with ongoing evaluation of the system.

In the Spring of 2007 the State was the subject of a federal Child and Family Services Review (CFSR) conducted by the Children’s Bureau (in this case, a “second round review”). To address concerns noted in the CFSR, a Program Improvement Plan (PIP) was collaboratively developed to address continuing areas of need identified in the Review. Work to fully implement the directives of the PIP is ongoing.

Child maltreatment that falls outside of the child welfare system involves abuse allegedly perpetrated by adult (16 years of age and older) “non-caretakers” (i.e., the alleged perpetrator does not meet the state’s definition of caretaker) – such cases are referred to law enforcement. The State has no central or systematic method for obtaining statistics for *all* children maltreated by non-caretakers. Data is maintained within each local law enforcement agency that investigates criminal child abuse cases within its jurisdiction – there is no common format and no vehicle for sharing this information readily among agencies. Cases exceeding a local law enforcement agency’s capabilities may be referred to the State Bureau of Investigation (SBI) for assistance.

To assist in investigations of sexual abuse, physical abuse, and neglect, child welfare cases may be referred to a physician trained to perform medical assessments. The medical evaluations may take place at Children’s Advocacy Centers (CAC’s), in child abuse evaluation centers (typically located in hospitals), or they may be done by private physicians with expertise in the field of child maltreatment. In 2007 alone, North Carolina CAC’s were used in 5,242 child abuse cases, with some 2,251 child medical evaluations for sexual abuse conducted at these sites.<sup>6</sup>

Child maltreatment cases that involve criminal charges or which warrant immediate removal of the child from the home are referred to the court system for legal resolution. North Carolina’s Judicial Branch is operated as a unified system consisting of three divisions: Appellate, Superior Court, and District Court. District Court oversees most civil abuse and neglect cases referred to the court system. The State currently lacks a

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<sup>5</sup> See N.C.G.S. § 7B-101.

<sup>6</sup> 2007 Statistical Report for NC Children’s Advocacy Centers, *available at* <http://www.caenc.org/quickfacts> (last visited July 11, 2008).

statewide database system for tracking cases on the child welfare side of juvenile court (in contrast to delinquency cases, which are tracked through NC-JOIN, the North Carolina Juvenile Online Information Network). However, the numbers of district court petitions filed in civil cases *are* tracked (with 1,030 abuse and 6,452 neglect petitions filed in State FY 2007<sup>7</sup> ).

North Carolina deploys two model programs to limit trauma to child victims entering court. In 13 judicial districts, juvenile matters are handled by Unified Family Courts, a best-practices model that coordinates dependency, custody, and domestic cases common to the same family before a single judge. Where they exist, Family Courts are run under the auspices of the particular Chief District Court Judge, with assistance from the Court Programs and Management Services division of the Administrative Office of the Courts (AOC). Abuse and neglect victims referred by departments of social services are assigned guardians ad litem, volunteer advocates and attorneys that represent their best interests in the courts. Some 17,701 children received services through the North Carolina Guardian ad Litem (GAL) program in FY 2007 alone.<sup>8</sup>

Training of North Carolina judicial staff on abuse and neglect issues continues to be an important area. The degree to which judges are able to develop knowledge and skills particular to child maltreatment jurisprudence is a factor bearing on the successful handling of such cases. In North Carolina, judges are required to log 30 hours of continuing legal education every two years. The prosecutors who represent the State in criminal court receive training at twice-yearly conferences.

Most cases of sexual abuse and assault perpetrated by juveniles aged 6 – 15 are disposed of through proceedings in the delinquency side of juvenile court (thus involving the North Carolina Department of Juvenile Justice & Delinquency Prevention [NCDJJD]). In 2007, 162 juvenile complaints were made alleging First Degree Sex Offense on a Child.<sup>9</sup> NCDJJD does not have a statewide system for collecting data on victims, though national research suggests that juveniles rarely commit sex offenses against adult victims.

Research from the last twenty years has shown an increased risk of juvenile delinquency for victims of abuse or neglect. In 2005, 1/5 of the juveniles whose cases were adjudicated and disposed reported a history of victimization. Even if a child does disclose a history of victimization, there is no policy or procedure to double check the accuracy, circumstances, or treatment history with social services. North Carolina statutory law allows for placement of a youth in department of social services custody as a dispositional alternative in undisciplined<sup>10</sup> and delinquency<sup>11</sup> cases.

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<sup>7</sup> Matters Alleged in Juvenile Petitions in the District Courts – July 1, 2006-June 30, 2007, *available at* <http://www.nccourts.org/Citizens/SRPlanning/Documents/juvpet200607.pdf> (last visited July 11, 2008).

<sup>8</sup> Guardian ad Litem – A Child’s Advocate in Court, *available at* <http://www.nccourts.org/Citizens/GAL/Default.asp> (last visited July 11, 2008).

<sup>9</sup> 2007 Statewide Offense Report, *available at* [http://www.ncdjdp.org/resources/pdf\\_documents/annual\\_report\\_2007.pdf](http://www.ncdjdp.org/resources/pdf_documents/annual_report_2007.pdf) (last visited July 11, 2008).

<sup>10</sup> N.C.G.S. § 7B-2503(1).

<sup>11</sup> N.C.G.S. § 7B-2506(1).

In 2006, 34 North Carolina children were intentionally killed by an adult entrusted with their care.<sup>12</sup> Since 1992, the State has used a Child Fatality Prevention System, a statewide, multi-agency effort to prevent child deaths. Local and state groups work together to identify system failures in individual cases, to research general trends, and to recommend policy changes.

## **Recommendations**

### **A. Activities to Improve Investigative, Administrative, and Judicial Handling of Cases**

- A1. Provide resources and training to support the consistent application of Child and Family Teams across North Carolina;
- A2. Enhance and support multidisciplinary trainings for professionals involved in the investigation and prosecution of child maltreatment;
- A3. Continue to upgrade the technology used in child maltreatment cases;
- A4. Fully fund Children's Advocacy Centers and the Child Medical Evaluation Program;
- A5. Determine a centralized method of obtaining statistics for children maltreated by non-caretakers;
- A6. Fairly and equitably compensate Guardian ad Litem attorney advocates (in view of the compensation enjoyed by other attorneys).

### **B. Steps to Establish Experimental, Model, or Demonstration Programs**

- B1. Support the use of Family Court practices (e.g., 'one judge, one family');
- B2. Support models (e.g., System of Care, MRS, Child and Family Teams, family group conferencing) that ensure coordination of all stakeholders and family members and that enhance family strengths while providing needed, individualized services to children and families;
- B3. Expand the North Carolina Child Treatment Program.

### **C. Activities to Reform State Laws, Ordinances, Regulations, Procedures, or Protocols**

- C1. Implement Juvenile Code Revision recommendations forwarded by the North Carolina Court Improvement Program;
- C2. Remove barriers to kinship placement.

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<sup>12</sup> North Carolina Child Abuse Fatalities – Confirmed Deaths in 2006, *available at* <http://www.preventchildabusenc.org/childabuseinfo/fatality-chart> (last visited July 8, 2008).

## INTRODUCTION

In 1974 the United States Congress passed the Child Abuse Prevention and Treatment Act (CAPTA<sup>13</sup>) so as to improve the identification, prevention, and treatment of child abuse and neglect. Section 107 of CAPTA, known as the Children's Justice Act (CJA<sup>14</sup>), authorizes eligible states to fund programs to improve the handling of child abuse and neglect cases. CJA-funding eligibility is contingent upon the satisfaction of five criteria: 1) Compliance with the CAPTA Basic State Grant to improve Child Protective Services system; 2) Establishment and maintenance of a multi-disciplinary advisory Task Force; 3) Comprehensive review (to be completed every three years) of the systems handling child abuse and neglect; 4) State adoption of Task Force recommendations stemming from the most recent three-year review; and 5), submission of an annual Children's Justice Act Application to the Children's Bureau. North Carolina's Basic State Grant is administered by the Division of Social Services (a division of the North Carolina Department of Health and Human Services), whereas the Task Force, study, and application are all assigned to the Juvenile Justice Planning Committee of the Governor's Crime Commission (itself a part of the Department of Crime Control and Public Safety). In fulfilling its role in this regard, the Juvenile Justice Planning Committee calls upon the work of the Child Abuse & Neglect Subcommittee, composed of various personages working in child welfare in North Carolina. North Carolina's Children's Justice Task Force has been functioning in its current form since July of 2003, when the Child Abuse & Neglect Subcommittee was made an adjunct committee to the Juvenile Justice Planning Committee. The Child Abuse & Neglect Subcommittee is chaired by the Honorable J.C. Cole, District Court Judge with the First Judicial District. North Carolina is required to submit the 3-Year Study in its 2009 Application for Children's Justice Act funding. As dictated by statute<sup>15</sup>, the Study must include documentation showing that the Task Force comprehensively:

1. *Reviewed and evaluated State investigative, administrative, and judicial (civil and criminal) handling of cases of child abuse and neglect, as well as cases involving suspected child maltreatment-related fatalities;*
2. *Made policy and training recommendations in each of the three CJA categories:*
  - a. *Investigative, administrative, and judicial handling of cases of child abuse and neglect;*
  - b. *Experimental, model, and demonstration program for testing innovative approaches and techniques which may improve the prompt and successful resolution of court proceedings or enhance the effectiveness of judicial and administrative action;*
  - c. *Reform of State laws, ordinances, regulations, protocols and procedures to protect children from abuse, while ensuring fairness to all affected persons.*

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<sup>13</sup> Child Abuse Prevention and Treatment Act (42 U.S.C. §§ 5101, *et seq.*).

<sup>14</sup> Children's Justice Act (42 U.S.C. § 5106c).

<sup>15</sup> 42 U.S.C. § 5106c(d).

## **METHOD OF STUDY**

### **Quantitative and Statistical Data**

The Child Abuse & Neglect Subcommittee reviewed data and reports from the myriad direct service agencies, research institutions, advocacy groups, and governmental bodies working to addressing child maltreatment in North Carolina. Particular attention was given to materials produced and data collected in the three years preceding submission of the 2009 Study.

### **Survey Data**

In addition to reviewing quantitative data, the Child Abuse & Neglect Subcommittee looked to the input of professionals working directly with abused and neglected children in North Carolina. Surveys (see Appendices) were disseminated to practitioners in several key disciplines, yielding response information from a range of persons and locales across the State (see Appendices). Of 680 Child Abuse Response Surveys sent out, a total of 190 surveys were returned, 15 from CAC's/Child Abuse Evaluation Centers, 14 from Guardian ad Litem offices, 20 from District Attorney Offices, 45 from Departments of Social Services, 67 from Police Departments, and 29 from Sheriff Offices (thus, yielding an overall response rate of 27.9%). Responses to specific survey items were coded and grouped so as to facilitate analysis of the collected responses (see Appendices). The November 14, 2008 meeting of the Child Abuse & Neglect Subcommittee was devoted to the analysis of survey data and to prioritization of recommendations for how North Carolina may improve its response to child maltreatment.

## REVIEW

### **I. Legal Definition of Child Abuse and Neglect in North Carolina**

North Carolina statutorily defines an “abused juvenile” as a child under 18 who is harmed (or permitted to be harmed by others) by his or her parent, guardian, custodian, or caretaker.<sup>16</sup> “Caretaker” is defined as any person responsible for the health and welfare of a juvenile in a residential setting, such as a stepparent, foster parent, adult member of the juvenile’s household, adult relative entrusted with the juvenile’s care, or an adult childcare provider.<sup>17</sup> North Carolina’s definition *does not* include child maltreatment perpetrated by:

- an adult relative not entrusted with child’s care;
- an adult acquaintance of the child who is not living in the home (i.e. an intimate partner of a parent, a teacher, a youth leader, a neighbor);
- an adult stranger;
- a juvenile (family and non-family members).

A neglected juvenile is defined by statute as “A juvenile who does not receive proper care, supervision, or discipline from the juvenile’s parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile’s welfare; or who has been placed for care or adoption in violation of law.”<sup>18</sup>

In terms of criminal law, “child abuse” is punishable both as a misdemeanor (Class A1)<sup>19</sup> and as a felony (Class C, E, or H),<sup>20</sup> though neither is to the exclusion of penalties for other criminal law offenses that might be charged. The North Carolina General Assembly just recently passed legislation<sup>21</sup> changing the penalties for both misdemeanor and felony child abuse, increasing the penalty for misdemeanor child abuse (from Class 1 to Class A1) and adding “grossly negligent omission in the care of the child” alongside the willful conduct previously giving rise to the offense of felony child abuse.

### **II. North Carolina’s Child Protection System**

County departments of social services have the responsibility to respond to reports that meet the State’s statutory definitions of abuse and neglect. North Carolina has 100 county departments which are supervised, but not administered, by the state Division of Social Services.

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<sup>16</sup> N.C.G.S. § 7B-101(1).

<sup>17</sup> N.C.G.S. § 7B-101(3).

<sup>18</sup> N.C.G.S. § 7B-101(15).

<sup>19</sup> N.C.G.S. § 14-318.2.

<sup>20</sup> N.C.G.S. § 14-318.4.

<sup>21</sup> An Act to Increase the Criminal Penalty for Misdemeanor Child Abuse and to Amend the Criminal Offense of Felony Child Abuse as Recommended by the Child Fatality Task Force, 2008 N.C. Sess. Laws 191.

Beginning in 2002 the North Carolina Division of Social Services' entire continuum of child welfare was reformed, from intake through placement services. This was done through adoption of the Multiple Response System (MRS), originally piloted in ten county departments of social services but expanded to all 100 counties in January of 2006. The reform is based upon the application of family-centered principles of partnership:

- ***A strengths-based, structured intake process.*** The creation of objective, structured intake tools that clearly identify factors establishing consistent screening criteria for the identification of new child abuse, neglect, and dependency reports. Emphasis is placed on family strengths, as well as needs;
- ***A choice of two approaches to reports of child abuse, neglect, or dependency.*** A system that allows a differential response to child neglect and dependency reports (“family assessment track”), and a partnership in child protection among county departments, families, other agencies, and local communities to address every aspect of child maltreatment and the family;
- ***Coordination between law enforcement agencies and child protective services for the investigative assessment approach.*** County departments of social services work closely with law enforcement agencies through formalized mutually supportive relationships, especially when responding to reports of child maltreatment using the investigative (traditional) assessment approach;
- ***A redesign of in-home services.*** Families with the greatest needs are provided with the most intensive services and contacts, while families with fewer needs are provided with less intensive services/contacts;
- ***Implementation of Child and Family Team (CFT) meetings during the provision of in-home services.*** These meetings are a family-centered means of maximizing family input and decision making with support from departments of social services, other community resources, and the family’s own network of support;
- ***Implementation of Shared-Parenting meetings in child placement cases.*** Shared-Parenting meetings are a time for the social worker, birth parents and foster parents to meet and discuss the care of the child when out-of-home placement is necessary;
- ***Collaboration between the Work First Family Assistance and child welfare programs.*** Work First Family Assistance is a program that provides families with financial, employment, and community services to help them become self-sufficient. Under the Multiple Response System, child welfare and Work First programs in county departments of social services collaborate closely to serve children and families.<sup>22</sup>

#### **A. Reporting of Abuse and Neglect**

In the Multiple Response System, reports of abuse and neglect are assigned either to the investigative (traditional forensic) track or to the family assessment track.

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<sup>22</sup> See Multiple Response System, available at <http://www.ncdhhs.gov/dss/mrs/index.htm> (last visited July 15, 2008).

North Carolina has mandatory reporting of child maltreatment, required for “Any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent... ..or has died as the result of maltreatment.”<sup>23</sup> The reports are to be made to the DSS director in the county in which the child resides or is found.

Concerns exist that the system of mandatory reporting is not well-implemented in North Carolina. In the most recent State Child Fatality Review Report, the State Fatality Review Team decried noncompliance with mandatory reporting, citing an “overall lack of awareness of the mandatory reporting law as defined in G.S. 7B-301.”<sup>24</sup> The Review Team also noted that “Many community service providers receive brief training or information regarding mandatory reporting, but that training does not appear to be reinforced regularly or routinely.”<sup>25</sup>

### **B. Investigations of Abuse or Abandonment – MRS Investigative Track**

In the Multiple Response System, reports of abuse and neglect are assigned either to the investigative (traditional forensic) track or to the family assessment track. The investigative track is used for the following reports:

- Abuse
- Abandonment
- Medical neglect of disabled infants with life threatening conditions
- Surviving children in a home of a child maltreatment fatality
- Children in the custody of the local DSS, family foster home, or residential facility
- Reports of abuse or neglect at child care facilities
- Children living in methamphetamine labs
- Children aged less than one year who have been shaken or subjected to corporal punishment

Following the investigation, cases may be either substantiated (where evidence exists to warrant child protection) or unsubstantiated (cases that do not involve caretakers or where abuse could not be proven). Local departments of social services are encouraged to develop memoranda of agreement with law enforcement agencies in order to comply with the statutory requirement (in N.C.G.S. § 7B-307) that evidence of abuse be reported to local law enforcement. Child abuse and neglect cases occurring in child care centers are jointly investigated by the North Carolina Division of Child Development (which licenses and monitor child care centers) and the local departments of social services. In criminal child abuse cases, local law enforcement agencies handle the cases. The State Bureau of Investigation (SBI) has jurisdiction in

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<sup>23</sup> N.C.G.S. § 7B-301.

<sup>24</sup> NC Department of Health and Human Services, North Carolina State Child Fatality Review Report SFY 06-07, available at <http://www.ncdhhs.gov/dss/publications/docs/Fatality%20Report06-07.pdf> (last visited January 13, 2009).

<sup>25</sup> NC Department of Health and Human Services, North Carolina State Child Fatality Review Report SFY 06-07, available at <http://www.ncdhhs.gov/dss/publications/docs/Fatality%20Report06-07.pdf> (last visited January 13, 2009).

sexual abuse cases in child care facilities<sup>26</sup> and a protocol is in place to facilitate such investigative work.<sup>27</sup>

### **C. Investigations of Neglect or Dependency – MRS Family Assessment Track**

The vast majority of reports of neglect and dependency are assigned to the family assessment track, which aims to be less adversarial than the forensic approach. Parents/Caretakers are notified of the report prior to the social worker's interview with the child. The family's strengths are assessed, along with their needs. The social worker then makes a determination:

- Services Needed – Child is in need of protection and the family is referred to needed services
- Services Recommended – Family is recommended to access certain services, but is not affirmatively required to do so
- Services Not Recommended – Assessment does not indicate a need for services

Service plans are created for families deemed “in need of services” through Child and Family Team meetings (also known as Family Group Conferencing). Social workers, along with family members, family supports, community resources, and other professional partners, develop and agree on the plan in a structured, facilitated meeting. Child and Family Teams bring together community resources to provide needed services for the family while at the same time allowing for the input and buy-in of the family.

The goals of the Multiple Response System are, first and foremost, to ensure the safety and well-being of children, while engaging partners, families, the children (if age appropriate), and family supports to identify and access needed services so as to keep the family together. An evaluation by Duke University showed no significant change in child safety or timeliness of response or services in the MRS pilot counties. The study did note very positive responses from families and workers with the alternative response system, although workers experienced increased stress if their caseloads remained high (the evaluators recommended a caseload of eight families or less). Additionally, evaluators noted an increase in coordination of services in the local areas.

### **D. Outcomes of North Carolina's Child Welfare System**

Over state fiscal years 2004, 2005, and 2006, the unduplicated number of children reported to DSS has decreased, as did the number of children substantiated or found in need of services (see Figure 1). In FY 2006, 111,150 children were investigated by departments of social services, as compared to 111,581 and 113,557 children in Fiscal Years 2005 and 2004, respectively. From FY 2004 to FY 2006, the rate of investigation per 1,000 children decreased from 55.2 to 52.6. At the same time, the

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<sup>26</sup> See N.C.G.S. § 114-15.3.

<sup>27</sup> NC Department of Health and Human Services, Protocol for Investigating Sexual Abuse Allegations in Child Care Facilities, available at <http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1420.pdf> (last visited January 13, 2009).

number of children either substantiated for maltreatment or found in need of services decreased from 27,310 to 24,597, with the rate (per 1,000 children) falling from 24.0% to 22.1%.

**Figure 1: North Carolina Children Assessed by DSS – Children the Subject of Either an Investigative or a Family Assessment<sup>28</sup>**

	FY 2004	FY 2005	FY 2006
<b>Number of Children the Subject of an Investigative or Family Assessment</b>	<b>113,557</b>	<b>111,581</b>	<b>111,150</b>
Rate (per 1,000 children in population) <sup>29</sup>	<b>55.2</b>	<b>53.6</b>	<b>52.6</b>
<b>Ages of Children:</b>			
0-6	<b>51,068</b>	<b>50,436</b>	<b>50,675</b>
7-12	<b>36,867</b>	<b>35,310</b>	<b>34,549</b>
13+	<b>25,622</b>	<b>25,835</b>	<b>25,916</b>
Missing Data	<b>0</b>	<b>0</b>	<b>10</b>
<b>Type of Maltreatment:</b>			
Abuse	<b>8,374</b>	<b>8,672</b>	<b>8,570</b>
Neglect	<b>98,526</b>	<b>96,019</b>	<b>95,089</b>
Abuse and Neglect	<b>5,725</b>	<b>5,971</b>	<b>6,577</b>
Dependency	<b>932</b>	<b>919</b>	<b>894</b>
Missing Data	<b>0</b>	<b>0</b>	<b>20</b>

**Figure 2: North Carolina Children Assessed by DSS – Substantiated for Maltreatment or Services Needed<sup>30</sup>**

	FY 2004	FY 2005	FY 2006
<b>Children Substantiated or Services Needed</b>	<b>27,310</b>	<b>26,670</b>	<b>24,597</b>
% of total children subject to assessment	<b>24.0%</b>	<b>23.9%</b>	<b>22.1%</b>
Rate (per 1,000 children in population) <sup>31</sup>	<b>13.3</b>	<b>12.8</b>	<b>11.7</b>

<sup>28</sup> Child Abuse Statistics Summary, available at

<http://www.ncdhhs.gov/dss/stats/docs/Annualtotals%202006.xls> (last visited July 8, 2008).

<sup>29</sup> FY 03-04 rate based on July 1, 2003 estimate (2,057,212), FY 04-05 rate based on July 1, 2004 estimate (2,082,415), and FY 05-06 rate based on July 1, 2005 estimate (2,111,155) of child population (ages 0-17).

Source: NC Office of State Budget and Management, State Demographics, available at [http://www.osbm.state.nc.us/ncosbm/facts\\_and\\_figures/socioeconomic\\_data/population\\_estimates/demog/n\\_cages00.html](http://www.osbm.state.nc.us/ncosbm/facts_and_figures/socioeconomic_data/population_estimates/demog/n_cages00.html) (last visited January 13, 2009).

<sup>30</sup> Child Abuse Statistics Summary, available at

<http://www.ncdhhs.gov/dss/stats/docs/Annualtotals%202006.xls> (last visited July 8, 2008).

<sup>31</sup> 03-04 rate based on July 1, 2003 estimate (2,057,212), FY 04-05 rate based on July 1, 2004 estimate (2,082,415), and FY 05-06 rate based on July 1, 2005 estimate (2,111,155) of child population (ages 0-17).

Source: NC Office of State Budget and Management, State Demographics, available at [http://www.osbm.state.nc.us/ncosbm/facts\\_and\\_figures/socioeconomic\\_data/population\\_estimates/demog/n\\_cages00.html](http://www.osbm.state.nc.us/ncosbm/facts_and_figures/socioeconomic_data/population_estimates/demog/n_cages00.html) (last visited January 13, 2009).

	FY 2004	FY 2005	FY 2006
<b>Ages of Children:</b>			
0-6	13,462	13,153	12,187
7-12	8,272	7,845	7,195
13+	5,576	5,672	5,215
<b>Investigative Track:</b>			
Substantiated - Type of Maltreatment:			
Abuse	1,470	1,473	1,369
Neglect	21,198	17,438	13,931
Abuse and Neglect	1,060	997	1,079
Dependency	477	486	374
Total Substantiated	24,205	20,394	16,753
<b>Family Assessment Track:</b>			
Services Needed	3,105	6,276	7,844

The federal government reviews the performance of state child welfare systems in improving the safety, permanency, and well-being of maltreated children. North Carolina's Child and Family Service Review conducted in 2001 indicated both strengths and areas in need of improvement.

Another round of Child and Family Services Review (CFSR) was initiated in September of 2006, leading to a final report dated June 25, 2007. The Review involved assessment of North Carolina's performance on both 23 items relevant to 7 outcomes and 22 items relevant to 7 systemic factors. A Program Improvement Plan was developed in response to this 2<sup>nd</sup> round CFSR, with various versions of the PIP submitted prior to submission of the final version on February 14, 2008. The PIP (as amended) was approved by the Children's Bureau as of April 1, 2008.

### III. Investigation of Adult Offenders

#### A. Best Practices

**Multidisciplinary Team Investigations** - Several localities in North Carolina have developed multidisciplinary child abuse teams. Such teams must be present in order for a CAC to receive accreditation from the National Children's Alliance, so it is no surprise to find the presence of MDT's in counties served by a CAC.

**Trained Child Forensic Interviewers** - The Child/Family Evaluation Program (formerly the "Child Forensic Evaluation Program") holds regional training workshops on Child Forensic Interviewing.<sup>32</sup> Additionally, the Division of Social Services holds training on Child Forensic Interviewing for child welfare workers (and supervisors).<sup>33</sup> Other sources provide Forensic Interviewing training in North

<sup>32</sup> See Provider Training Schedule, available at <http://www.med.unc.edu/cmep/provtrain.htm> (last visited August 26, 2008).

<sup>33</sup> See 2006 Year End Training Report, available at <http://www.dhhs.state.nc.us/dss/publications/docs/2006YearEndReport.pdf> (last visited August 26, 2008).

Carolina, both general and specialized (as with a session on “Interviewing the Special Needs Child” at the 14<sup>th</sup> Annual Symposium on Child Abuse & Neglect).<sup>34</sup> In 2007, 3,387 forensic interviews were conducted at a North Carolina Children’s Advocacy Center by or for law enforcement and child protective service workers.<sup>35</sup>

**Videotaped Interviews** - Videotaping of interviews is readily accomplished at most North Carolina Children’s Advocacy Centers. The recent passage of a North Carolina law requiring videotaped interviews for homicide cases<sup>36</sup> has resulted in the installation of video-recording equipment in North Carolina law enforcement facilities that had previously lacked such equipment. As a result, North Carolina law enforcement officers are now more likely to have the means at their disposal to record child interviews.

**Specialized Forensic Medical Examiners - see below**

**Victim Advocacy Programs** - The Attorney General’s Office maintains a Child Victim Assistance Program (CVAP)<sup>37</sup> in conjunction with two North Carolina district attorney’s offices (representing the 5<sup>th</sup> and 13<sup>th</sup> Prosecutorial Districts). 42 District Attorney offices have Victim Witness Legal Assistants (VWLA’s), with some 426 VWLA positions across the State.<sup>38</sup>

**Improved Access to Mental Health Treatment for Victims** - Some North Carolina centers provide mental health treatment geared specifically to child victims of abuse, as with the Center for Child and Family Health.<sup>39</sup> Accessibility of such services is not readily accomplished as to North Carolina children residing outside of the larger metropolitan areas, though the North Carolina Child Treatment Program-Pilot (NC CTP Pilot)<sup>40</sup> has been working since 2006 to correct this<sup>41</sup>. The CTP Pilot provides Trauma-Focused Cognitive Behavioral Therapy (TF-CBT) to children and families in 28 North Carolina counties, including free treatment for uninsured children who have experienced sexual trauma. The CTP also plays a role in training therapists on delivering trauma therapy to effected youth and families. Mental health treatment services are also provided by North Carolina’s Children’s Advocacy Centers, with 9,070 hours of mental health treatment provided by CAC’s in 2007 alone.<sup>42</sup>

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<sup>34</sup> See The Fourteenth Annual Symposium on Child Abuse & Neglect (Symposium Brochure), *available at* <http://www.caenc.org/2008SymposiumBrochure.pdf> (last visited August 26, 2008).

<sup>35</sup> 2007 Statistical Report for NC Children’s Advocacy Centers, *available at* <http://www.caenc.org/quickfacts> (last visited August 26, 2008).

<sup>36</sup> An Act to Provide That a Custodial Interrogation in a Homicide Case Must be Electronically Recorded in its Entirety., 2007 N.C. Sess. Laws 434.

<sup>37</sup> See Child Victim Assistance Program, *available at* [http://www.ncdoj.com/victimscitizensservices/vscs\\_child\\_victim\\_assistance\\_program.jsp](http://www.ncdoj.com/victimscitizensservices/vscs_child_victim_assistance_program.jsp) (last visited August 7, 2008).

<sup>38</sup> Victim Witness Legal Assistants: the Liaisons Between Victims and Prosecutors. Network News, Fall 2007, *available at* <http://www.nc-van.org/pdf/fall%202007.pdf> (last visited August 25, 2008).

<sup>39</sup> See Center for Child & Family Health, *available at* [http://www.cfhnc.org/index.php?option=com\\_content&task=view&id=15&Itemid=85](http://www.cfhnc.org/index.php?option=com_content&task=view&id=15&Itemid=85) (last visited August 26, 2008).

<sup>40</sup> See The NC Child Treatment Program (Pilot), *available at* <http://www.cfar.unc.edu/Home/WhatWeDo.rails> (last visited September 22, 2008).

<sup>41</sup> See July 2006 Newsletter of the Child Medical Evaluation Program, *available at* [http://www.med.unc.edu/cmep/newsletters/2006-06\\_CMEP-Newsletter.doc](http://www.med.unc.edu/cmep/newsletters/2006-06_CMEP-Newsletter.doc) (last visited January 13, 2009).

<sup>42</sup> See 2007 Statistical Report for NC Children’s Advocacy Centers, *available at* <http://www.caenc.org/quickfacts> (last visited September 22, 2008).

## **Children’s Advocacy Centers (CAC’s) - see below**

### **B. Training of Investigators**

Training of child abuse investigators is provided from several sources in North Carolina. The North Carolina Justice Academy routinely offers trainings bearing upon abuse, neglect, child homicide, and the sexual victimization of children (e.g., “Investigating the Sexual Victimization of Children,” “Child Death Investigation,” “Investigating Internet Crimes Against Children”).<sup>43</sup> The Conference of District Attorneys conducts law enforcement/prosecution cross-trainings, with such recent offerings as “Investigation and Prosecution of Child Sexual Abuse” and “Behind Closed Doors: Investigation and Prosecution of Child Physical Abuse.” A website was recently developed to aid North Carolinians in locating relevant trainings in the abuse/neglect and child welfare arenas.<sup>44</sup>

### **C. Case Tracking**

Case tracking for abuse cases is an area of great need for North Carolina – prosecutors and child abuse investigators simply do not have access to a centralized means to enter and share information on non-familial abuse (whereas Children’s Advocacy Centers have access to the NCATrak database for their own case tracking needs).

## **IV. Child Maltreatment Evaluations**

To assist in investigating sexual abuse, physical abuse, and/or neglect, children may be referred by DSS to a physician trained to perform medical assessments through the Child Medical Evaluation Program (CMEP).<sup>45</sup> The CMEP was established in 1976 to recruit, train, and consult with physicians (primarily pediatricians and some family medicine physicians) to perform diagnostic medical evaluations; a mental health assessment component was added 8 years later, establishing the Child Mental Health Evaluation Program (CMHEP). This component is now known as the Child/Family Evaluation Program (CFEP).

Physicians rostered with the CMEP must receive 10 hours of continuing education on child abuse every 2 years. The CMEP central office staff provides training, consultation, and quality assurance. As of September, 2008, some 113 medical practices (in 60 separate counties) and some 81 practices offering child and family services (in 32 separate counties) were listed by the CMEP as evaluation providers.<sup>46</sup> Approximately 221 examiners perform medical evaluations and approximately 100 examiners perform mental health evaluations (child/family evaluations) with the CMEP and the CFEP,

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<sup>43</sup> North Carolina Justice Academy Training Calendar July through December 2008, *available at* <http://www.jus.state.nc.us/NCJA/caljd08web.pdf> (last visited August 25, 2008).

<sup>44</sup> NC Clearinghouse on Family & Child Well-being, *available at* <http://www.clearinghousenc.org/home> (last visited August 15, 2008).

<sup>45</sup> See The Child Medical Evaluation Program (CMEP), *available at* [http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1422-01.htm#P32\\_3342](http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1422-01.htm#P32_3342) (last visited September 9, 2008).

<sup>46</sup> Data gathered pertains to CMEP Providers listed for DSS Staff, as of September 9, 2008.

respectively.<sup>47</sup> Approximately 1,100 children are evaluated annually through the CMEP, a figure not encompassing the additional 800 children (approximately) seen each year with the Child/Family Evaluation Program.<sup>48</sup>

Child abuse evaluations are also conducted outside of the CMEP program, which would include cases in which the alleged perpetrator is not a parent or caretaker. In such cases, the evaluations themselves are conducted by medical providers, who may or may not also provide services under CMEP.

Medical evaluations may be conducted:

- in a Children's Advocacy Center (CAC).
- in a child abuse evaluation center (usually located within the organizational structure of a hospital).
- by a private physician with expertise in the field of child maltreatment evaluations.

### **A. Children's Advocacy Centers**

Children's Advocacy Centers are designed to provide a more comfortable, child-friendly environment for victims of abuse (relative to most police stations and emergency departments) with the aim that children will be interviewed and examined only once (and by professionals trained in conducting such examinations). Multidisciplinary teams of social workers, law enforcement officers, medical and mental health providers, prosecutors, and allied professionals work together to reduce trauma to the victim and to hold the perpetrator accountable. The use of CAC's for the handling of child abuse investigations is endorsed by the United States Department of Justice<sup>49</sup> and supported by research<sup>50</sup> and numerous testimonials to the centers' efficacy.

In addition to providing services to multidisciplinary teams and child abuse professionals, the National Children's Alliance sets standards and provides accreditation for CAC's. As of current date, North Carolina has 21 accredited centers, with 5 additional centers developing, on the way to full accreditation.<sup>51</sup> In 2007 alone, 5,242 child abuse cases were investigated through North Carolina Children's Advocacy Centers, with 3,387 forensic interviews and 2,251 medical evaluations for child sexual abuse conducted.<sup>52</sup>

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<sup>47</sup> May 6, 2009 Personal Communication with Gina Cochrane, CMEP Administrator with the Child Medical Evaluation Program.

<sup>48</sup> May 6, 2009 Personal Communication with Gina Cochrane, CMEP Administrator with the Child Medical Evaluation Program.

<sup>49</sup> See *Breaking the Cycle of Violence: Recommendations to Improve the Criminal Justice Response to Child Victims and Witnesses*. OVC Monograph, available at <http://www.ojp.usdoj.gov/ovc/publications/factsheets/pdf/xt/monograph.txt> (last visited January 13, 2009).

<sup>50</sup> See, for example, *Child Advocacy Centers - Papers*. Crimes Against Children Research Center, available at <http://www.unh.edu/ccrc/centers/papers.html> (last visited August 27, 2008).

<sup>51</sup> See *Children's Advocacy Centers of North Carolina*, available at <http://www.cacnc.org/home> (last visited August 27, 2008).

<sup>52</sup> 2007 Statistical Report for NC Children's Advocacy Centers, available at <http://www.cacnc.org/quickfacts> (last visited August 27, 2008).

North Carolina's accredited CAC's were designated to each receive \$12,500 in legislative funding in Fiscal Year 2008.<sup>53</sup>

### **B. Child Maltreatment Evaluation Centers**

The Child Abuse & Neglect Subcommittee of the Governor's Crime Commission in 2007 sent out a survey to centers providing child abuse evaluations, identifying seven child abuse evaluation centers that are not classified as either an accredited or provisionally-accredited CAC. These child abuse evaluation centers generally provide the same evaluation services offered at the CAC's (forensic interviews, videotaping, physical examinations, colposcopy, and STD testing) – in so doing they play a vital role in North Carolina's response to abuse and neglect. In addition, these centers may enjoy collaborative relationships in their respective communities with child protective services, law enforcement agencies, and district attorney offices. Being that there is not a unified database for the evaluation centers, each individual child abuse evaluation center is responsible for maintaining its own statistics.

### **C. Case Tracking**

As mentioned previously, Children's Advocacy Centers have access to the NCAtrak database for case tracking needs.

## **V. Judicial Handling of Child Maltreatment Cases**

North Carolina's Judicial Branch is operated as a unified system consisting of three divisions: Appellate, Superior Court, and District Court. Superior Court handles cases involving serious felonies. District Court oversees most of the abuse and neglect cases that are referred to the court system. There are 43 District Court districts, each consisting of one or more counties, with a division of District 22<sup>54</sup> slated for January 1, 2009 (thus bringing the total to 44). Chief District Court Judges assign cases to the judges in their districts, with most judges rotating between child welfare, juvenile delinquency, criminal court, and civil cases where the amount in controversy is \$10,000 or less.

### **A. Family Courts**

Juvenile matters are handled by Family Courts in thirteen North Carolina judicial districts, with hopes to expand the program should more funding become available.<sup>55</sup> Family Courts are designed to coordinate case management and service agency work addressing a particular family, while at the same time making the most efficient use of trial court time. One judge hears all matters affecting a particular family, either with respects to the breakup of a marriage or to the filing of a juvenile delinquency petition. Family courts also employ Alternative Dispute Resolution (ADR) processes in the hopes that doing so will be a more efficient use of resources and will serve to

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<sup>53</sup> See Legislative, available at <http://www.cacnc.org/legislative> (last visited August 27, 2008).

<sup>54</sup> 2007 Appropriations Act, Section 14.25.(a), 2007 N.C. Sess. Laws 323, § 14.25.(a).

<sup>55</sup> Family Court, available at <http://www.nccourts.org/Citizens/CPrograms/Family/Default.asp> (last visited August 28, 2008).

promote mutually agreeable outcomes (relative to those delivered with a strictly adversarial process).

## **B. Prosecution**

District Attorneys prosecute in the name of the State “all criminal actions and infractions requiring prosecution in the superior and district courts.”<sup>56</sup> The State of North Carolina is divided into 42 prosecutorial districts,<sup>57</sup> with a division of Prosecutorial District 22<sup>58</sup> slated for January 1, 2009 (thus bringing the total to 43). Each District Attorney is elected to a four-year term and is assisted by a number of Assistant District Attorneys that is statutorily set and varying by district<sup>59</sup> (there were 571 total ADA’s in North Carolina as of FY 2007, with 90 of these being newly added positions<sup>60</sup>). The State currently has no centralized system for tracking the number of child maltreatment cases prosecuted, the outcome of those cases, or the length of time from investigation to sentencing.

The District Attorneys are aided by the Conference of District Attorneys, an organization created “to assist in improving the administration of justice in North Carolina by coordinating the prosecution efforts of the various district attorneys, by assisting them in the administration of their offices, and by exercising the powers and performing the duties provided for in this Article [Article 32 of Chapter 7A of the North Carolina General Statutes].”<sup>61</sup> The Child Abuse Resource Prosecutor of the Conference of District Attorneys supports law enforcement officers, prosecutors, and child abuse professionals in the identification, investigation, and successful prosecution of child abuse and neglect in North Carolina.<sup>62</sup> The Resource Prosecutor also plays a vital role in cross-training criminal justice professionals on reckoning with the full range of crimes perpetrated against North Carolina’s children.

## **C. Guardians ad Litem**

In 1983, the General Assembly established the Office of Guardian ad Litem Services (GAL), located within the Judicial Branch. An attorney guardian ad litem is appointed for juveniles in North Carolina child maltreatment proceedings. Trained attorneys and community volunteers work side by side to represent and promote the best interests of their child clients, communicating the child clients’ expressed interests to the court. In FY 2007 the office of the Guardian ad Litem logged a record 4,618 GAL volunteers, along with the legal representation of 17,701 children in some 38,828 scheduled

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<sup>56</sup> N.C.G.S. § 7A-61.

<sup>57</sup> See N.C.G.S. § 7A-60(a1).

<sup>58</sup> 2007 Appropriations Act, Section 14.25.(a), 2007 N.C. Sess. Laws 323, § 14.25.(a) .

<sup>59</sup> See N.C.G.S. § 7A-60(a1).

<sup>60</sup> Administrative Office of the Courts. North Carolina Courts Annual Report – July 1, 2006-June 30, 2007, available at [http://www.nccourts.org/Citizens/Publications/Documents/annualreport\\_2006-07.pdf](http://www.nccourts.org/Citizens/Publications/Documents/annualreport_2006-07.pdf) (last visited August 28, 2008).

<sup>61</sup> N.C.G.S. § 7A-411.

<sup>62</sup> See Child Abuse & Neglect, available at <http://www.ncdistrictattorney.org/childabuse/index.htm> (last visited August 28, 2008).

hearings. Staff and volunteers are located in all judicial districts, with 13 new Guardian ad Litem staff positions added in FY 2007.<sup>63</sup>

#### **D. Judicial Training**

The knowledge and skills of members of the bench can impact the outcome of child maltreatment cases. District court judges are required to log 30 hours of continuing education every two years; for Family Court judges, 24 hours of the 30 must be in training designed especially for family court.<sup>64</sup> The University of North Carolina - School of Government's offerings include *Abuse, Neglect, Dependency, and Termination of Parental Rights* (3 days, offered through the North Carolina Judicial College), *School for New District Court Judges* (9-10 days, conducted in two separate sessions), *Child Development for Judges* (with some material on the developmental effects of abuse and neglect), and the annual *NC Conference of District Court Judges*.<sup>65</sup>

#### **E. Appeals**

In North Carolina, District Court criminal cases may be referred to the Superior Court (for a *trial de novo*), with Superior Court judgments themselves appealable to the Court of Appeals (the intermediate appellate court). Appeal from the Court of Appeals may be made to the North Carolina Supreme Court (the State's highest court). Civil case judgments on record may be appealed directly to the Court of Appeals<sup>66</sup>, bypassing the Superior Court Division.<sup>67</sup> Appeal of a final order in a juvenile matter is made directly to the Court of Appeals.<sup>68</sup> Criminal appeals are handled by the Attorney General's Office.<sup>69</sup>

#### **F. Juvenile Code Revision**

The Court Improvement Project for Children and Families (located in the Administrative Office of the Courts) maintains a Juvenile Code Revision Subcommittee. This Subcommittee (comprised of members representing a variety of disciplines) proposes changes to the child welfare (as opposed to delinquency) portion of the juvenile code.

#### **G. Specialized Courts/Promising Practices**

As mentioned previously, Family Courts are present in thirteen North Carolina judicial districts.

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<sup>63</sup> Administrative Office of the Courts. North Carolina Courts Annual Report – July 1, 2006-June 30, 2007, available at [http://www.nccourts.org/Citizens/Publications/Documents/annualreport\\_2006-07.pdf](http://www.nccourts.org/Citizens/Publications/Documents/annualreport_2006-07.pdf) (last visited August 28, 2008).

<sup>64</sup> North Carolina Rules of Continuing Judicial Education, Rule II(C).

<sup>65</sup> See Courses and Conferences, available at <http://www.sog.unc.edu/courses/bysubject/courts.html> (last visited September 2, 2008).

<sup>66</sup> N.C.G.S. § 7A-27(c).

<sup>67</sup> See The Judicial System in North Carolina, available at <http://www.nccourts.org/Citizens/Publications/Documents/JudicialSystem.pdf> (last visited September 2, 2008).

<sup>68</sup> N.C.G.S. § 7B-1001(a).

<sup>69</sup> See Appeals Process, available at [http://www.ncdoj.com/legalservices/lg\\_appeals\\_process.jsp](http://www.ncdoj.com/legalservices/lg_appeals_process.jsp) (last visited September 2, 2008).

## **H. Case Tracking**

The Administrative Office of the Courts is in the process of implementing and upgrading a juvenile record system, JWise. JWise is a browser-based application giving court clerks and family court workers scheduling, reporting, and form production capabilities.<sup>70</sup> A Committee has been established to see to the statewide implementation of JWise and to train on use of the system.<sup>71</sup> The JWise system does not interface with external data systems tracking children (by educational, social services, and juvenile justice involvement); rather, multiple users are able to use JWise to input data on a particular juvenile's electronic file.<sup>72</sup>

The Administrative Office of the Courts collects information on the number of the District Court petitions and hearings involving abuse and/or neglect [see below].

**Figure 3: Juvenile Petitions Filed in District Court<sup>73</sup>**

	FY 2005	FY 2006	FY 2007
<b>Neglect Alleged in Petition</b>	<b>6,510</b>	<b>6,770</b>	<b>6,452</b>
<b>Abuse Alleged in Petition</b>	<b>1,343</b>	<b>1,149</b>	<b>1,030</b>

**Figure 4: Juvenile Adjudicatory Hearings in District Court<sup>74</sup>**

	FY 2005	FY 2006	FY 2007
<b>Neglect Hearing – Retained</b>	<b>6,443</b>	<b>7,444</b>	<b>6,659</b>
<b>Neglect Hearing – Dismissed</b>	<b>1,287</b>	<b>1,422</b>	<b>1,488</b>
<b>Abuse Hearing – Retained</b>	<b>1,009</b>	<b>991</b>	<b>965</b>
<b>Abuse Hearing – Dismissed</b>	<b>360</b>	<b>409</b>	<b>330</b>

## **VI. Investigation and Judicial Handling of Juvenile Offenders**

The North Carolina Department of Juvenile Justice & Delinquency Prevention (DJJDP) deals with delinquency matters, including cases of sexual abuse and assault perpetrated by juvenile offenders before their 16<sup>th</sup> birthday. Complaints about juveniles are forwarded to the intake services offices located in each judicial district. Using a structured intake form, the Juvenile Services counselor determines whether to approve

<sup>70</sup> Annual Report. Technology Services Division. Volume 5: Year 2006, available at [http://www.nccourts.org/Courts/CRS/Technology/Documents/annual\\_report\\_2006.pdf](http://www.nccourts.org/Courts/CRS/Technology/Documents/annual_report_2006.pdf) (last visited January 13, 2009).

<sup>71</sup> See Family Court Advisory Committee Minutes. November 30, 2007, available at [http://www.nccourts.org/Citizens/CPrograms/Family/Documents/minutes\\_11\\_30\\_07.pdf](http://www.nccourts.org/Citizens/CPrograms/Family/Documents/minutes_11_30_07.pdf) (last visited September 2, 2008).

<sup>72</sup> See Family Court Advisory Committee Minutes. November 30, 2007, available at [http://www.nccourts.org/Citizens/CPrograms/Family/Documents/minutes\\_11\\_30\\_07.pdf](http://www.nccourts.org/Citizens/CPrograms/Family/Documents/minutes_11_30_07.pdf) (last visited September 2, 2008).

<sup>73</sup> Matters Alleged in Juvenile Petitions in the District Courts, available at <http://www.nccourts.org/Citizens/SRPlanning/Statistics/Alleged.asp> (last visited September 2, 2008).

<sup>74</sup> Adjudicatory Hearings for Juvenile Matters in the District Courts, available at <http://www.nccourts.org/Citizens/SRPlanning/Statistics/Juvenile.asp> (last visited September 2, 2008).

the complaint for court or to divert it into community programs.<sup>75</sup> If approved for court, the Juvenile Court judge determines whether evidence exists to adjudicate. Adjudicated cases are then disposed (sentenced), often taking into consideration the recommendation of the juvenile’s court counselor (analogous to a case manager/juvenile probation officer). The North Carolina Juvenile Code uses structured decision making based on a system of graduated sanctions to determine a case’s disposition (outcome). In other words, juveniles with a history of delinquent behavior who commit more serious offenses will be disposed to a more restrictive placement (i.e. incarceration in a Youth Development Center) than would a juvenile with no prior delinquency history and a non-violent offense:

**Figure 5: North Carolina Dispositional Sanctions for Juvenile Offenders<sup>76</sup>**

Offense Classification	Delinquency History Level		
	Low (0-1)	Medium (2-3)	High (4+)
<b>Violent</b> (Class A through E felony offense)	<b>Level 2 or 3</b>	<b>Level 3</b>	<b>Level 3</b>
<b>Serious</b> (Class F through I felony offense or a Class A1 misdemeanor)	<b>Level 1 or 2</b>	<b>Level 2</b>	<b>Level 2 or 3</b>
<b>Minor</b> (Class 1, 2, or 3 misdemeanor or adjudication of indirect contempt by a juvenile)	<b>Level 1</b>	<b>Level 1 or 2</b>	<b>Level 2</b>
<b>Level 1 = Community Disposition</b> <b>Level 2 = Intermediate Disposition</b> <b>Level 3 = Commitment to Youth Development Center</b>			

3% of 9,220 North Carolina youth with juvenile cases disposed in 2007 were reported to show “sexual victimization of others.”<sup>77</sup> This figure is on par with the 3% figures reported as to 9,503 cases disposed in 2006<sup>78</sup> and as to 9,400 cases disposed in 2005.<sup>79</sup> Information as to complaints filed for specific sex offenses is detailed in the table on the following page:

<sup>75</sup> N.C.G.S. § 7B-1700.

<sup>76</sup> N.C.G.S. § 7B-2508.

<sup>77</sup> 2007 Annual Report. North Carolina Department of Juvenile Justice and Delinquency Prevention, available at [http://www.ncdjjdp.org/resources/pdf\\_documents/annual\\_report\\_2007.pdf](http://www.ncdjjdp.org/resources/pdf_documents/annual_report_2007.pdf) (last visited January 13, 2009).

<sup>78</sup> 2006 Annual Report. North Carolina Department of Juvenile Justice and Delinquency Prevention, available at [http://www.ncdjjdp.org/resources/pdf\\_documents/annual\\_report\\_2006.pdf](http://www.ncdjjdp.org/resources/pdf_documents/annual_report_2006.pdf) (last visited January 13, 2009).

<sup>79</sup> 2005 Annual Report. North Carolina Department of Juvenile Justice and Delinquency Prevention, available at [http://www.ncdjjdp.org/resources/pdf\\_documents/annual\\_report\\_2005.pdf](http://www.ncdjjdp.org/resources/pdf_documents/annual_report_2005.pdf) (last visited January 13, 2009).

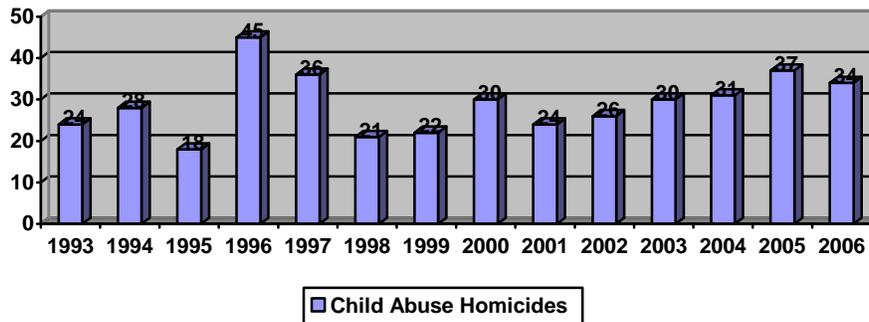
**Figure 6: Juvenile Complaints Alleging Specific Sex Offenses, 2005-2007**

	CY 2005 <sup>80</sup>	CY 2006 <sup>81</sup>	CY 2007 <sup>82</sup>
First Degree Rape - N.C.G.S. § 14-27.2(a)	28	22	12
First Degree Rape Child - N.C.G.S. § 14-27.2(a)(1)	52	33	43
Second Degree Rape - N.C.G.S. § 14-27.3(a)	31	39	35
First Degree Sexual Offense - N.C.G.S. § 14-27.4(a)	-	74	73
First Degree Sex Offense Child - N.C.G.S. § 14-27.4(a)(1)	-	154	162
Second Degree Sexual Offense - N.C.G.S. § 14-27.5(a)	-	106	70
Sexual Battery - N.C.G.S. § 14-27.5A	189	218	276
Statutory Rape/Sex Offense Defendant >4, <6 Years - N.C.G.S. § 14-27.7a(b)	1	-	1
Statutory Rape/Sex Offense Defendant ≥6 Years - N.C.G.S. § 14-27.7A(a)	10	7	10
Crime Against Nature - N.C.G.S. § 14-177	128	118	112
Felony Incest - N.C.G.S. § 14-178	22	1	3
Indecent Exposure - N.C.G.S. § 14-190.9	60	71	63
First Degree Sexual Exploitation of a Minor - N.C.G.S. § 14-190.16	1	2	17
Third Degree Sexual Exploitation of a Minor - N.C.G.S. § 14-190.17A	-	-	16
Promoting Prostitution of a Minor - N.C.G.S. § 14-190.18	-	1	-
Indecent Liberties Between Children - N.C.G.S. § 14-202.2	250	258	265

## VII. Child Maltreatment Fatalities

Some cases of child maltreatment result in the death of a child: in 2006, 34 North Carolina children were intentionally killed by an adult entrusted with their care. Child maltreatment deaths in North Carolina have had a general trend of increase since 2001:

**Figure 7: North Carolina Child Abuse Homicides by Year, 1993-2006<sup>83</sup>**



<sup>80</sup> 2005 Annual Report. North Carolina Department of Juvenile Justice and Delinquency Prevention, available at [http://www.ncdjjdp.org/resources/pdf\\_documents/annual\\_report\\_2005.pdf](http://www.ncdjjdp.org/resources/pdf_documents/annual_report_2005.pdf) (last visited January 13, 2009).

<sup>81</sup> 2006 Annual Report. North Carolina Department of Juvenile Justice and Delinquency Prevention, available at [http://www.ncdjjdp.org/resources/pdf\\_documents/annual\\_report\\_2006.pdf](http://www.ncdjjdp.org/resources/pdf_documents/annual_report_2006.pdf) (last visited January 13, 2009).

<sup>82</sup> 2007 Annual Report. North Carolina Department of Juvenile Justice and Delinquency Prevention, available at [http://www.ncdjjdp.org/resources/pdf\\_documents/annual\\_report\\_2007.pdf](http://www.ncdjjdp.org/resources/pdf_documents/annual_report_2007.pdf) (last visited January 13, 2009).

<sup>83</sup> Source: Fall 2006 Prevention Network News, available at [http://www.preventchildabusenc.org/about\\_us/publications/newsletters/PNN%20fall%202006.pdf](http://www.preventchildabusenc.org/about_us/publications/newsletters/PNN%20fall%202006.pdf) (last visited July 14, 2008), North Carolina Child Abuse Fatalities – Confirmed Deaths in 2006, available at <http://www.preventchildabusenc.org/childabuseinfo/fatality-chart> (last visited July 8, 2008).

In 1991 the North Carolina General Assembly established the Child Fatality Prevention System, a statewide, multidisciplinary, multi-agency effort to prevent child deaths. The purposes of the system are to:

- Develop a community approach to child abuse and neglect;
- Understand the causes of child deaths;
- Identify gaps in services to children and families;
- Make and carry out recommendations for changes to laws, rules and policies so as to prevent future child abuse, child neglect, and fatalities.<sup>84</sup>

The work of reckoning with child maltreatment fatalities is accomplished through both state- and community-level groups:

#### **A. Child Fatality Task Force**

The North Carolina Child Fatality Task Force (NCCFTF), created in 1991, is the public policy arm of the Child Fatality Prevention System. It is a 35-member legislative study commission charged with making recommendations for the establishment of a multidisciplinary child death review system in North Carolina. The Child Fatality Task Force is also charged with studying the laws, rules and policies relating to confidentiality and access to information and with making a determination as to whether these impede the delivery of services to children and the prevention of child fatalities.<sup>85</sup> Three Committees are maintained by the Child Fatality Task Force: An Intentional Death Committee, an Unintentional Death Committee, and a Perinatal Health Committee. The Intentional Death committee reviewing trends and recommendations related to child maltreatment fatalities.

#### **B. DSS Child Fatality Review Team**

A Child Fatality Review Team is established in the Department of Health and Human Services, Division of Social Services. One of the primary functions of the Review Team is to review deaths of children under the age of 18 where the children and families concerned were involved with child protective services.<sup>86</sup> Each such review is designed “to implement a team approach to identifying factors which may have contributed to conditions leading to the fatality and to develop recommendations for improving coordination between local and State entities which might have avoided the threat of injury or fatality and to identify appropriate remedies.”<sup>87</sup>

#### **C. North Carolina Child Fatality Prevention Team**

The Child Fatality Prevention Team (State Team), located in the Department of Health and Human Services, is helmed by the Chief Medical Examiner.<sup>88</sup> The State Team reviews all deaths of children under the age of 18 years which occur within North Carolina and which are investigated and certified by the Office of the Chief

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<sup>84</sup> See N.C.G.S. § 7B-1400.

<sup>85</sup> N.C.G.S. § 7B-1403(2).

<sup>86</sup> N.C.G.S. § 143B-150.20(a).

<sup>87</sup> N.C.G.S. § 143B-150.20(b).

<sup>88</sup> N.C.G.S. § 7B-1404.

Medical Examiner (OCME).<sup>89</sup> The State Team also recommends (to the Child Fatality Task Force) changes to law, rule, or policy which would promote the safety and well-being of children.<sup>90</sup>

#### **D. Local Child Fatality Prevention Teams**

Local Child Fatality Prevention Teams (LCFPT's) review child death records, forward recommendations to the board of county commissioners, and, where necessary, advocate for system improvements and resources where gaps exist.<sup>91</sup>

#### **E. Community Child Protection Teams**

A Community Child Protection Team (CCPT) is an interdisciplinary group of community representatives who come together to promote a community-wide approach to the problem of child abuse and neglect, reviewing active child protective services cases and certain child deaths believed to result from abuse and neglect. As with the LCFPT's, the CCPT's forward recommendations to the board of county commissioners, and, where necessary, advocate for system improvements and resources to deal with identified gaps.<sup>92</sup>

The North Carolina Division of Social Services developed a regional team approach in 2007, forming Regional Community Child Protection Teams in January of 2008.<sup>93</sup> The 7 Regional CCPT's are constituted by anywhere from 7 to 21 county CCPT's – the intent is for the Regional CCPT's to develop the information of the local teams into recommendations for the State.<sup>94</sup>

#### **F. Child Fatality Issues in North Carolina**

The initial response to a child death is usually handled by first responders (fire, police, paramedics), skilled professionals who, nonetheless, are often not specifically-trained in the investigation of child maltreatment fatalities. Law enforcement officers knowledgeable in this particularized area may not be brought in, opportunities to collect valuable statements and evidence may be lost, and the possibility of a successful prosecution down the road may be compromised. To rectify this situation, uniform policies and protocols for North Carolina agencies responding to child death have been recommended.<sup>95</sup> The North Carolina Office of the Chief Medical Examiner

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<sup>89</sup> Fatalities of Children in North Carolina – 2005. Annual Report of the North Carolina Child Fatality Prevention Team, available at <http://www.ocme.unc.edu/nccfpp/2005childfatalityreport.pdf> (last visited January 13, 2009).

<sup>90</sup> N.C.G.S. § 7B-1405(2).

<sup>91</sup> N.C.G.S. § 7B-1406(b).

<sup>92</sup> N.C.G.S. § 7B-1406(a).

<sup>93</sup> North Carolina Regional Community Child Protection Teams [Citizen Review Panels] 2007 Annual Report. The North Carolina Child Fatality Prevention Team, available at <http://www.uky.edu/SocialWork/crp/states/nc/2008-AR-final.pdf> (last visited January 13, 2009).

<sup>94</sup> North Carolina Regional Community Child Protection Teams [Citizen Review Panels] 2007 Annual Report. The North Carolina Child Fatality Prevention Team, available at <http://www.uky.edu/SocialWork/crp/states/nc/2008-AR-final.pdf> (last visited January 13, 2009).

<sup>95</sup> FACING THE FACTS: Criminal Consequences of Child Abuse Homicides. North Carolina Child Advocacy Institute (2005), available at [http://www.ncchild.org/images/stories/Facing\\_The\\_Facts.pdf](http://www.ncchild.org/images/stories/Facing_The_Facts.pdf) (last visited January 13, 2009).

(OCME) created a Child Death Investigation Protocol, piloted in several counties throughout the State. As of current date the pilot period is over and the OCME is seeking to post the Protocol and associated presentation material to its website (for ready access and download by all counties).<sup>96</sup>

In recent years, attention has focused on the rate of child homicide seen among North Carolina's military families.<sup>97</sup> The child abuse homicide rates for military families in Onslow (home of Camp Lejeune and New River Air Station) and Cumberland (home of Pope Air Force Base and Fort Bragg) Counties were both found to be more than twice the State rate.<sup>98</sup> In commenting on the observed rates for child homicide among military families, reference has been made to the existence of certain "family risk factors for child maltreatment," lack of resources, social isolation, and family disruption among them.

## VIII. Combined Jurisdiction Cases

### **A. Dual Jurisdiction (Child Welfare & Delinquency) Cases**

Research has shown an increased risk of later juvenile delinquency involvement for children who have been abused or neglected; furthermore, children subject to physical abuse are more likely to themselves be arrested for violent crime later in life.<sup>99</sup> The good news is that these results are not inevitable<sup>100</sup> - risks can be mitigated through prompt and appropriate treatment of child victims and by early intervention with youth acting out destructive behavior patterns learned at home.

In North Carolina, delinquency and dependency cases involve a combination of jurisdictions, though the statutory guidelines for resolving these cases are both found in Chapter 7B of the North Carolina General Statutes. Delinquency cases involve the state-level Department of Juvenile Justice & Delinquency Prevention, whereas abuse/neglect matters involve administrative and investigative efforts of the local departments of social services. Delinquency and dependency cases involving the same family may be heard by different judges on different dates, presenting the

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<sup>96</sup> September 5, 2008 Personal Communication with Lisa Mayhew, Child Death Investigator/Trainer with the North Carolina Office of the Chief Medical Examiner.

<sup>97</sup> Reducing Collateral Damage on the Home Front: Child Abuse Homicides within Military Families and Communities in North Carolina: Facts and Recommendations. North Carolina Child Advocacy Institute (2004), available at [http://www.ncchild.org/action/images/stories/collateral\\_damage.pdf](http://www.ncchild.org/action/images/stories/collateral_damage.pdf) (last visited January 13, 2009).

<sup>98</sup> Herman-Giddens & Vitaglione. Child Abuse Homicides: A Special Problem within North Carolina's Military Families. NC Medical Journal. Sept./Oct. 2005, available at <http://www.ncmedicaljournal.com/sept-oct-05/Herman-Giddens.pdf> (last visited January 13, 2009).

<sup>99</sup> See Understanding Child Maltreatment and Juvenile Delinquency: From Research to Effective Program, Practice, and Systemic Solutions. Child Welfare League of America, available at <http://www.cwla.org/programs/juvenilejustice/ucmjhd.htm> (last visited January 13, 2009).

<sup>100</sup> Understanding Child Maltreatment and Juvenile Delinquency: From Research to Effective Program, Practice, and Systemic Solutions. Child Welfare League of America, available at <http://www.cwla.org/programs/juvenilejustice/ucmjhd.htm> (last visited January 13, 2009).

possibility that service and treatment plans will be uncoordinated and that efforts will be duplicated.

### **B. Interstate Cases**

Interstate child-custody cases are subject to the terms of the UCCJEA, the Uniform Child Custody Jurisdiction and Enforcement Act. The UCCJEA is a Uniform Act, outlining jurisdictional requirements for child custody cases in states participating in the Act. In North Carolina the UCCJEA is codified at N.C.G.S. §§ 50A-101, *et seq.* The UCCJEA applies to North Carolina A/N/D matters: its jurisdictional requirements must be satisfied for North Carolina district courts to have jurisdiction to adjudicate abuse, neglect, and dependency petitions.<sup>101</sup>

### **C. Federal-State Cases**

In certain instances, crimes against children may lead to prosecution in federal court, as with prosecution of North Carolinians involved in the production and possession of child pornography.<sup>102</sup> Criminal offenses committed by military personnel can be subject to proceedings under the Uniform Code of Military Justice, just as offenses on federal property may be prosecuted in federal court by the United States Attorney.<sup>103</sup>

### **D. Tribal-State Cases**

North Carolina is home to the federally-recognized Eastern Band of Cherokee Indians, (along-with diverse other native peoples and tribal affiliations seen throughout the State). The Eastern Band of Cherokee (hereinafter, EBOC) Reservation (the Qualla Boundary) is comprised of over 56,000 acres of land situated in the western corner of North Carolina; some 13,400 individuals claim membership in the tribe.<sup>104</sup> The EBOC maintains a judicial branch of government, informed by codified tribal law. Under Cherokee law: “The Courts of the State of North Carolina are granted jurisdiction to hear and decide cases involving alleged abuse, neglect and dependency of Cherokee juveniles under the same terms and conditions as it asserts jurisdiction over non-Indian juveniles under the laws of North Carolina.”<sup>105</sup> Under federal law, certain offenses committed within Indian Country (including incest and assaults committed upon persons under 16 years of age) are subject to prosecution in

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<sup>101</sup> See *In Re Van Kooten*, 126 N.C. App. 764, (1997) (UCCJA [precursor to UCCJEA]’s jurisdictional requirements must be satisfied for district court to have jurisdiction to adjudicate abuse, neglect, and dependency petitions filed pursuant to the Juvenile Code).

<sup>102</sup> See, for example, Couple Sentenced to 30 Years and 20 Years in Federal Prison for Production and Transportation of Child Pornography, available at <http://www.usdoj.gov/usao/ncw/press/Witschi.html> (last visited September 8, 2008); Shelby Man Sentenced to Federal Prison Term for Possession of Child Pornography, available at <http://www.usdoj.gov/usao/ncw/press/tatum.html> (last visited September 8, 2008).

<sup>103</sup> See United States Attorneys' Manual, Chapter 9-20.000, available at [http://www.usdoj.gov/usao/eousa/foia\\_reading\\_room/usam/title9/20mcrm.htm](http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/20mcrm.htm) (last visited January 29, 2009).

<sup>104</sup> Eastern Band of Cherokee Nation website, available at <http://www.nc-chokeee.com/> (last visited September 5, 2008).

<sup>105</sup> Cherokee Code § 1-3(a).

federal court.<sup>106</sup> The Adam Walsh Act recently added “felony child abuse or neglect” to the list of Indian Country offenses subject to federal prosecution.<sup>107</sup>

Child maltreatment cases on reservation are addressed by professionals working collaboratively in the CAC model. The Heart to Heart Child Advocacy Center, located on the Reservation, has been in existence since 1998.<sup>108</sup> Heart to Heart’s Multidisciplinary Team is comprised of representatives from tribal law enforcement, federal law enforcement, tribal child protective services, prosecution, mental health, and medical and educational agencies.<sup>109</sup>

## **IX. Special Populations**

### **A. Victims with Disabilities**

Studies not localized to North Carolina residents indicate that 1 in 3 disabled children receiving special education services are victims of some type of maltreatment, be it neglect, physical abuse, or sexual abuse.<sup>110</sup> One of the primary purposes of the Children’s Justice Act is to improve response to child victims with disabilities.<sup>111</sup>

### **B. Legal Status**

North Carolina has one of the fastest growing immigrant populations in the United States. Generally speaking as to children of immigrants, 93% of children under 6 and 77% of children aged 6-17 are United States citizens.<sup>112</sup> Special Immigrant Juvenile Status (SIJS) is a provision of law<sup>113</sup> providing a route to lawful permanent resident status for children (under the jurisdiction of a juvenile court) who are found eligible for long-term foster care for reasons of abuse, neglect, or abandonment. SIJS is a particularly relevant issue for North Carolina, as the State’s courts have seen an uptick in the number of petitions involving non-citizen children.<sup>114</sup>

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<sup>106</sup> 18 U.S.C. § 1153(a).

<sup>107</sup> Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, 120 Stat. 617 (2006).

<sup>108</sup> See Victim Services: Promising Practices in Indian Country. U.S. Department of Justice. (2004), available at [http://www.ojp.gov/ovc/publications/infores/victimsrvsindian\\_country2004/](http://www.ojp.gov/ovc/publications/infores/victimsrvsindian_country2004/) (last visited January 13, 2009).

<sup>109</sup> Victim Services: Promising Practices in Indian Country. U.S. Department of Justice. (2004), available at [http://www.ojp.gov/ovc/publications/infores/victimsrvsindian\\_country2004/](http://www.ojp.gov/ovc/publications/infores/victimsrvsindian_country2004/) (last visited January 13, 2009).

<sup>110</sup> See Abuse of Children with Cognitive, Intellectual & Developmental Disabilities. The Arc. (2004), available at <http://www.thearc.org/NetCommunity/Document.Doc?&id=144> (last visited January 13, 2009).

<sup>111</sup> See 42 U.S.C. § 5106c(a)(4).

<sup>112</sup> See Immigrant Youth in Detention (PowerPoint). September 26, 2007, available at <http://www.jdaihelpdesk.org/Docs/Documents/Immigrant%20and%20undocumented%20Youth%20-%20Fountain%20Sept%2026th%203%20pm.ppt> (last visited January 13, 2009).

<sup>113</sup> 8 U.S.C. § 1101(a)(27)(J).

<sup>114</sup> See Special Immigrant Juvenile Status letter, available at <http://www.nccourts.org/Citizens/GAL/Documents/sijs%20info.pdf> (last visited September 8, 2008).

### **C. Child Victims of Human Trafficking**

Human trafficking in North Carolina is addressed by RIPPLE, a multidisciplinary collective of institutions and individuals working “to establish a statewide protocol for assisting victims of trafficking.”<sup>115</sup>

### **D. Youth Aging out of Foster Care**

Though North Carolina has previously been cited as lacking “a comprehensive system of transitional supports for children aging out of the [foster care] system.”<sup>116</sup>, much work has been done to address the needs of such youth. NC LINKS is North Carolina’s Foster Care Independence Program, operated out of the County Departments of Social Services.<sup>117</sup> SaySo (Strong Able Youth Speaking Out) is a North Carolina association of youth aged 14 to 24 who are or who have been in out-of-home care. The North Carolina Collaborative for Youth in Transition (NCCYT), a network of representatives from public and private agencies, is also working to assist transitioning youth. NCCYT has put together a directory of service providers for transitioning youth<sup>118</sup>; additional material may be found in a Resource Guide on this topic written by the Office of the Guardian ad Litem.<sup>119</sup>

### **E. Disproportionality on the Basis of Race**

In North Carolina, Black and American-Indian children have been identified as showing greater Disproportionality Rates (1.35 and 2.00, respectively) at the investigation and substantiation stages of child protection decision-making.<sup>120</sup> White North Carolina children also fare better on some (though not all) child welfare system measures – for illustration, see the Figure set forth on the following page:

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<sup>115</sup> See North Carolina Human Trafficking Task Force – RIPPLE, available at <http://womenscenter.unc.edu/initiatives/nchumantrafficking.pdf> (last visited September 22, 2008).

<sup>116</sup> More Than Safe: Achieving Positive Outcomes for Foster Youth. Action for Children North Carolina. October 2007, available at [http://www.ncchild.org/action/images/stories/CPS\\_Outcomes\\_Report\\_final.pdf](http://www.ncchild.org/action/images/stories/CPS_Outcomes_Report_final.pdf) (last visited January 13, 2009).

<sup>117</sup> See NC LINKS, available at <http://www.ncdhhs.gov/dss/links/index.html#general> (last visited September 8, 2008).

<sup>118</sup> Directory of Service Providers for Transitional Youth, available at <http://www.nccollaborative.org/page.php?mode=privateview&pageID=1> (last visited January 13, 2009).

<sup>119</sup> North Carolina Resource Guide for Youth Transitioning into Adulthood, available at <http://www.nccollaborative.org/page.php?mode=privateview&pageID=1> (last visited January 13, 2009).

<sup>120</sup> Hill. An Analysis Of Racial/Ethnic Disproportionality and Disparity at the National, State, and County Levels (2007), available at <http://www.cssp.org/uploadFiles/An%20Analysis%20of%20Racial-Ethnic%20Disproportionality.pdf> (last visited January 13, 2009).

**Figure 8: CFSR Measures for North Carolina by Race, CY2007<sup>121</sup>**

<b>CFSR Measure</b>	<b>Federal Standard</b>	<b>White Children in NC System</b>	<b>African-American Children in NC System</b>	<b>American Indian /Alaskan Children in NC System</b>	<b>Children of Other Races in NC System</b>
<b>Recurrence of Maltreatment</b> (Among all children with a substantiated report of abuse and/or neglect within the first 6 months of the reporting period, the % of this total that had another substantiated report within 6 months of the first report)	6.1% or less	4.49%	3.81%	3.72%	3.59%
<b>Maltreatment in Foster Care</b> (Among all children in foster care during the 12 month reporting period, the % of this total that had a substantiated report of abuse and/or neglect where the perpetrator was a foster parent or facility staff member)	0.57% or less	0.34%	0.32%	1.00%	0.46%
<b>Reunified within 12 Months</b> (Among all the children who had a terminated case due to reunification within the reporting period, the % of this total that had been in placement authority for a year or less)	76.2% or more	58.52%	53.97%	57.02%	58.18%
<b>Reentry into Foster Care within 12 Months</b> (Among all children who entered foster care during the reporting period, the % of this total that had previously been in foster care within 12 months of the most recent foster care entry date that is within the reporting period under review)	8.6% or less	4.22%	4.47%	2.06%	4.07%
<b>Adoption within 24 Months</b> (Among all children who had a terminated case due to adoption within the reporting period, the % of this total that had been in placement authority for 2 years or less)	32% or more	43.01%	23.76%	11.76%	43.24%
<b>Placement Stability (2 or fewer placements)</b> (Among all children who entered foster care during the 12 month reporting period, the % that had 2 or fewer placements)	86.7% or more	87.60%	87.79%	85.71%	86.11%
<b>Children Age 12 and Under Placed in Group Homes/Institutional Settings</b> (Among all children in foster care age 12 and younger during the 12 month reporting period, the % that are placed in group homes or institutions)	N/A	7.63%	4.23%	7.58%	4.09%

<sup>121</sup> Duncan, D.F., Kum, H.C., Flair, K.A., Stewart, C.J., Weigensberg, E.C., and Lanier, III, P.J. (2008). NC Child Welfare Program. Retrieved September 22, 2008, from University of North Carolina at Chapel Hill Jordan Institute for Families website. URL: <http://ssw.unc.edu/cw/>

A number of groups have studied racial disproportionality in the child welfare system and suggested means to reckon with it, where it exists.<sup>122</sup> Most recently, Chief Justice Sarah Parker has convened meetings (“The Chief Justice’s Meeting on Disproportionate Representation of Minority Children in the Child Welfare System”) to address this issue. Elements of the work being done by the Guilford County Workgroup on Disproportionality (GCWOD) and by the Wake County Racial Disparities Workgroup have been cited by the Center for the Study of Social Policy as promising practices.<sup>123</sup> The specific strategies regarded as promising are detailed in the table below:

**Figure 9: Promising Practices of the Guilford County Workgroup on Disproportionality and of the Wake County Racial Disparities Workgroup, as Identified by the Center for the Study of Social Policy<sup>124</sup>**

Promising Practices of the Guilford County Workgroup on Disproportionality	Promising Practices of the Wake County Racial Disparities Workgroup
Continuing to use new practice models, such as Team Decision Meeting (TDM);	Implementing a family mentoring model that uses the faith-based community to provide services and resources for youth and families to prevent placements and to help youth transition out of the system;
Transforming foster care services through the expansion of <i>Family to Family</i> ;	Building a formal partnership between families, neighborhoods, stakeholders, service providers, and Wake County Human Services;
Analyzing data systematically to determine causal factors and focusing on strategies that can eliminate or minimize these causes;	Continuing to expand the <i>Family to Family</i> Initiative, focusing even more attention on finding homes in the communities where children live;
Engaging supervisors and senior management in the planning process;	Enhancing staff cultural sensitivity by expanding their exposure through training at all levels.
Redesigning the system with the use of a December 6, 2004, Memorandum of Agreement on the issue of Disproportionality of African-American Children in the Child Welfare System;	
Involving the community directly in the planning and implementing of changes in program policies and procedures.	

<sup>122</sup> See Related Resources: Disproportionality, available at <http://www.childwelfare.gov/systemwide/cultural/disporp/related.cfm> (last visited September 5, 2008).

<sup>123</sup> See Places to Watch: Promising Practices to Address Racial Disproportionality in Child Welfare Services. The Center for Community Partnerships in Child Welfare of the Center for the Study of Social Policy, available at <http://www.cssp.org/uploadFiles/Places%20to%20Watch%20-%20Promising%20Practices%20to%20Address%20Racial%20Disporportionality.pdf> (last visited January 13, 2009).

<sup>124</sup> Places to Watch: Promising Practices to Address Racial Disproportionality in Child Welfare Services. The Center for Community Partnerships in Child Welfare of the Center for the Study of Social Policy, available at <http://www.cssp.org/uploadFiles/Places%20to%20Watch%20-%20Promising%20Practices%20to%20Address%20Racial%20Disporportionality.pdf> (last visited January 13, 2009).

## X. Other Issues

### A. Legislative Developments

**Figure 10: Key North Carolina Child Maltreatment Legislation, 2006-2008**

Session Law	Act Title	Summary/Relevance
2006-205	An Act to (1) allow local departments of social services to share confidential information with other child protection organizations when the confidential information is needed to protect a child from abuse and neglect, and (2) allow entities designated by the Department of juvenile justice and delinquency prevention to share information with a local department of social services that is relevant to an assessment of reports of child abuse, neglect, and dependency by a local department of social services	Legislation provides for sharing of child maltreatment information.
2006-247	An Act To Protect North Carolina's Children/Sex Offender Law Changes	Legislation contains a number of provisions bearing on sex offenders; legislation also adds the offense of human trafficking, a Class C felony if the victim of the offense is a minor.
2007-126	An Act to Ensure that students in grades nine through twelve receive information annually about the manner in which a parent may lawfully abandon a newborn baby with a responsible person	Legislation mandates that local boards of education “adopt policies to ensure that students in grades nine through 12 receive information annually on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500.”
2007-172	An Act to amend the pretrial release requirements for sex offenders	Legislation makes mandatory certain conditions of pretrial release imposed on defendants charged with felonious or misdemeanor child abuse.
2007-263	An Act to provide that a film and photographic print processor or a computer technician who, in the person's scope of employment, observes an image of a minor or a person who reasonably appears to be a Minor engaging in sexual activity must report the name of the Person requesting the processing of the film or photographs or in possession of the computer to the national center for missing and exploited children or to the appropriate local law enforcement officer	Legislation requires that film/photographic print processors and computer technicians report film or computer images containing pictures of a minor engaging in sexual activity.
2007-276	An Act to amend existing child welfare laws to comply with federal law and regulations	Legislation rewrites various portions of the North Carolina General Statutes.
2007-462	An Act requiring a person convicted of a sex offense who is pursuing child custody ex parte	Legislation requires that “any person instituting an action or proceeding for

Session Law	Act Title	Summary/Relevance
	to disclose the conviction in the pleadings	custody ex parte who has been convicted of a sexually violent offense as defined in G.S. 14-208.6(5) shall disclose the conviction in the pleadings.”
2008-117	(Jessica Lunsford Act for NC) An Act to provide that certain criminal offenses of rape or sexual offense committed against a child are Class B1 felonies and the offender shall not receive active punishment of less than three hundred months followed by lifetime satellite-based monitoring or the possibility of life imprisonment without parole, to increase the criminal penalties for sexual exploitation of a minor and promoting prostitution of a minor, to amend the sex offender registration requirements to be more stringent, to require community notification regarding the presence of a sexually violent predator or repeat sex offender, to amend the law regarding bail for violations of probation and post-release supervision, to create a new criminal offense that makes it unlawful for a sex offender to be on certain premises, To address education and health of juveniles subject to restrictions, and to require sex offender registries checks of school contractual personnel before allowing them to have direct interaction with students	Among other things, legislation provides that: rape and sexual offense committed against a child are both Class B1 felonies and that sentencing for either shall not be for less than 300 months active punishment followed by satellite-based monitoring for life; conviction for the aforementioned offenses presents the possibility of life imprisonment without parole; the criminal penalties for sexual exploitation of a minor and promoting prostitution of a minor are increased; strengthens sex offender registration requirements; expands community notification of sex offenders; creates a new criminal offense that makes it unlawful for a sex offender to be on certain premises; requires registry checks of school contractual personnel.
2008-179	An Act to require hospitals and physicians to report serious, non-accidental trauma injuries in children to law enforcement officials, as recommended by the Child Fatality Task Force.	Legislation makes provision for reporting of “cases involving recurrent illness or serious physical injury to any child under the age of 18 years where the illness or injury appears, in the physician's professional judgment, to be the result of non-accidental trauma.”
2008-191	An Act to Increase the Criminal Penalty for Misdemeanor Child Abuse and to Amend the Criminal Offense of Felony Child Abuse as Recommended by the Child Fatality Task Force	Legislation increases the criminal penalty for misdemeanor child abuse to make it a Class A1 Misdemeanor; legislation also expands the category of felonious conduct to include “grossly negligent omission in the care of the child.”
2008-218	An Act to expand the scope of certain pornography laws by amending the definition of Sexual Activity; to increase the penalty for first, second, and third degree sexual exploitation of a minor; to increase the penalty in certain circumstances where there is a solicitation by computer to commit an unlawful sex act and to provide for civil liability; to make it a felony for a registered sex offender to access a commercial social networking web site; and to prohibit a	Legislation increases the criminal penalties for sexual exploitation of a minor; legislation criminalizes the accessing of social networking sites by persons subject to the sex offender registry requirements of Chapter 14, Article 27A of the General Statutes.

Session Law	Act Title	Summary/Relevance
	registered sex offender from obtaining a name change.	
2008-220	<p>An Act to add felony child abuse to the list of sex offender registry offenses when the offense involves prostitution of a juvenile or the commission of a sexual act upon a juvenile, to require that a sex offender register his or her electronic mail address or other online identifier in the statewide sex offender registry, to allow limited release of online identifier information in the sex offender registry to certain entities that provide electronic mail services and other internet services for the purpose of screening online users, to direct the administrative office of the courts to develop procedures to ensure timely notification of the division of criminal information and sheriffs of persons required to register who are not sentenced to active time, and to authorize funds for the governor's crime commission to use to award as matching grants to eligible sheriffs' offices to enhance and support their efforts to enforce the state's sex offender laws.</p>	<p>Among other things, legislation adds certain offenses committed by a parent, guardian, or caretaker to the list of "sexually violent offenses" found in N.C.G.S. § 14-208.6(5).</p>

## **RECOMMENDATIONS**

The North Carolina Children's Justice Task Force (the Child Abuse & Neglect Subcommittee of the Governor's Crime Commission) adopted the Recommendations set out below and will use its resources to further their implementation:

### **A. Activities to Improve Investigative, Administrative, and Judicial Handling of Cases**

- A1. Provide resources and training to support the consistent application of Child and Family Teams across North Carolina;**
- A2. Enhance and support multidisciplinary trainings for professionals involved in the investigation and prosecution of child maltreatment;**
- A3. Continue to upgrade the technology used in child maltreatment cases;**
- A4. Fully fund Children's Advocacy Centers and the Child Medical Evaluation Program;**
- A5. Determine a centralized method of obtaining statistics for children maltreated by non-caretakers;**
- A6. Fairly and equitably compensate Guardian ad Litem attorney advocates (in view of the compensation enjoyed by other attorneys).**

### **B. Steps to Establish Experimental, Model, or Demonstration Programs**

- B1. Support the use of Family Court practices (e.g., 'one judge, one family');**
- B2. Support models (e.g., System of Care, MRS, Child and Family Teams, family group conferencing) that ensure coordination of all stakeholders and family members and that enhance family strengths while providing needed, individualized services to children and families;**
- B3. Expand the North Carolina Child Treatment Program;**

### **C. Activities to Reform State Laws, Ordinances, Regulations, Procedures, or Protocols**

- C1. Implement Juvenile Code Revision recommendations forwarded by the North Carolina Court Improvement Program;**
- C2. Remove barriers to kinship placement.**

## STATE IMPLEMENTATION OF RECOMMENDATIONS

### **Recommendations or Comparable Alternatives Adopted**

The State of North Carolina has made progress on each of the following Recommendations and/or the North Carolina Children’s Justice Task Force is working to advance the adoption of each or of some comparable alternative:

<b>Recommendation</b>	<b>State Implementation of Recommendation or Alternative</b>
A1 – Provide resources and training for CFT’s	Regardless of whether a Child and Family Team (CFT) meeting is required during the Assessment, planning for the CFT must begin at that stage. <sup>125</sup> Training on the use of CFT’s is also required, as a matter of Child Welfare policy. <sup>126</sup> Several such trainings are currently available, centering on differing subtopics and provided at diverse locations. <sup>127</sup> Though CFT’s are operating in all 100 North Carolina counties, there remains a need for CFT resources to be uniformly available. The quality of the CFT process and the neutrality of CFT facilitators can both stand to be developed through an appropriate use of resources. Likewise, CFT meeting attendance is not at an optimal level, in part because of travel restrictions and budgetary issues which frustrate full, consistent representation of attendees.
A2 – Multidisciplinary training on investigation and prosecution of child maltreatment	Though multidisciplinary training is currently provided by the North Carolina Conference of District Attorneys, the Court Improvement Program for Children and Families, the Office of the Guardian ad Litem, and other groups, systemic cross-training remains to be fully-implemented in North Carolina. A number of persons responding to the Child Abuse Response Survey conveyed a wish for more cross-training/training in collaboration. Likewise, an even larger number of Survey respondents indicated a desire for Forensic Interviewing training to be delivered in North Carolina. In November of 2008 the Mecklenburg County Model Court Advisory Committee worked beside the Mecklenburg County Family Court Administrator’s Office to hold the 1 <sup>st</sup> Annual Mecklenburg County Abuse, Neglect and Dependency Conference, titled “Juvenile Court Collaboration: Promoting Teamwork, Excellence, and Service.” <sup>128</sup>

<sup>125</sup> See Family Services Manual, Volume I: Children's Services, Chapter VII: Child and Family Team Meetings, available at <http://info.dhhs.state.nc.us/olm/manuals/dss/csm-55/man/> (last visited January 26, 2009).

<sup>126</sup> See Family Services Manual, Volume I: Children's Services, Chapter VII: Child and Family Team Meetings, available at <http://info.dhhs.state.nc.us/olm/manuals/dss/csm-55/man/> (last visited January 26, 2009).

<sup>127</sup> See Training Catalog of ncsweLearn.org, available at <https://www.ncswlearn.org/plp/catalog/default.aspx> (last visited January 26, 2009).

<sup>128</sup> See On the Record, Volume 11, Issue 1, available at <http://www.nccourts.org/County/Mecklenburg/Documents/vol11iss1.pdf> (last visited May 18, 2009).

Recommendation	State Implementation of Recommendation or Alternative
A3 – Upgrade technology used in child maltreatment cases	A number of persons responding to the Child Abuse Response Survey reported need for newer/updated technology (specifically, laptop computers, databases, equipment for recording interviews, digital cameras, and equipment for delivering closed-circuit testimony). The NC-FAST (Families Accessing Services through Technology) Program <sup>129</sup> needs stable funding for upgrades to its components. Additionally, J-WISE <sup>130</sup> capabilities should be expanded.
A4 – Fund CAC’s and the CMEP	North Carolina’s accredited CAC’s were designated to each receive \$12,500 in legislative funding in Fiscal Year 2008. <sup>131</sup> \$238,321 was appropriated to the Child Medical Evaluation Program for FY2009. <sup>132</sup> This Recommendation area is still in progress.
A5 – Centralize statistics for non-caretaker abuse	North Carolina lacks a centralized registry of non-caretaker abuse, frustrating meaningful assessment of maltreatment of this type. The absence of a unified, statewide data collection system has been characterized as an area of “critical need.” <sup>133</sup> Children’s Justice Act funding was allocated to the Conference of District Attorneys to begin work on collecting case statistics for non-caretaker abuse, though decision was made to suspend this project. The Children’s Justice Taskforce opted to forward this particular Recommendation, in full knowledge that having such a system is an aspirational goal, not likely to be achieved in the near future.
A6 – Fairly compensate GAL attorney advocates	Attorney Advocates with the Guardian ad Litem Program are compensated at an hourly rate of \$40-42, significantly less than that for Parent Attorneys and others. A fixed hourly rate greater than that presently given remains to be implemented.
B1 – Use Family Court practices	Family Courts are in place in 13 North Carolina judicial districts, with hopes to expand the program should more funding become available. <sup>134</sup> Family court practices are also being used in districts beyond those designated as Family Courts. There has been good progress in the implementation of practices of this type.
B2 – Use family-	Systems of Care are in place throughout North Carolina, with

<sup>129</sup> See <http://www.ncdhhs.gov/ncfast/>.

<sup>130</sup> JWIS is a statewide case information system that automates all juvenile clerk records, including petitions, motions and adjudications, and orders. JWIS users (who include the various court personnel working on Abuse/Neglect/Dependency cases) are able to each input into a single electronic file.

<sup>131</sup> See Legislative, available at <http://www.cacnc.org/legislative> (last visited August 27, 2008).

<sup>132</sup> 2008 Continuing Budget Authority, Section 5.(a), 2008 N.C. Sess. Laws 34, § 5.(a).

<sup>133</sup> Action for Children, Improving the Child Welfare System, available at [http://www.ncchild.org/action/index.php?option=com\\_content&task=view&id=933&Itemid=361](http://www.ncchild.org/action/index.php?option=com_content&task=view&id=933&Itemid=361) (last visited January 30, 2009).

<sup>134</sup> Family Court, available at <http://www.nccourts.org/Citizens/CPrograms/Family/Default.asp> (last visited August 28, 2008).

Recommendation	State Implementation of Recommendation or Alternative
centered models	System of Care Coordinators serving the respective regions in the mental health LME (Local Management Entity) catchment areas. <sup>135</sup> Originally piloted in 10 counties, Multiple Response System is now in place in all 100 counties of the State. This Recommendation is in progress/not fully implemented.
B3 – Expand the North Carolina Child Treatment Program	Established in 2006, the North Carolina Child Treatment Program trains clinicians in delivering <i>Trauma-Focused Cognitive Behavioral Therapy</i> (TF-CBT) to youth. The Treatment Program would like to expand to the remaining 72 counties not served in the 28-county pilot; such expansion would require either additional State funding or the institution of fee-for-service contracts. <sup>136</sup> As of present date, the North Carolina Child Treatment Program is seeking funding from the Governor’s Crime Commission and from the Duke Endowment.
C1 – Implement Juvenile Code Revision recommendations forwarded by the North Carolina Court Improvement Program	By statute, an indigent parent named in a petition alleging the abuse, neglect, or dependency of a juvenile has a right to appointed counsel. <sup>137</sup> However, there is as yet no guaranteed right to appointment of <i>provisional</i> counsel in petitions seeking termination of parental rights, though the parents do have the right to appointed counsel in cases of indigency. <sup>138</sup> Legislation introduced in the 2009 Session of the North Carolina General Assembly would change this (and other areas), appointing provisional counsel to a parent without a prior showing as to that parent’s indigency. <sup>139</sup>
C2 – Remove barriers to kinship placement	Kinship Care is allowable under Division of Social Services policy. <sup>140</sup> Judicial districts are reportedly at very different stages of implementing a “family-friendly” approach. Additional funds for these caretakers would also be helpful. North Carolina does not allow for the Title IV-E Kinship Guardianship Assistance FMAP funds (coming in under the Fostering Connections Act <sup>141</sup> ) that would otherwise be available for IV-E eligible children in certain relative guardianship placements.

<sup>135</sup> See North Carolina Department of Health and Human Services, Child and Family Mental Health Services - Transforming Services Through Systems of Care, available at <http://www.dhhs.state.nc.us/mhddsas/childandfamily/index-new.htm> (last visited January 30, 2009).

<sup>136</sup> See New Directions for North Carolina: A Report of the NC Institute of Medicine Task Force on Child Abuse Prevention, 2008 Update, available at <http://www.nciom.org/docs/2008childabuseupdate.pdf> (last visited January 27, 2009).

<sup>137</sup> N.C.G.S. § 7B-602(a).

<sup>138</sup> N.C.G.S. § 7B-1101.1(a).

<sup>139</sup> See H.B. 1449, 2009 Reg. Sess. (N. C. 2009).

<sup>140</sup> See Family Support and Child Welfare Services, 1201 - Child Placement Services, Section IV, Subsection D, available at <http://info.dhhs.state.nc.us/olm/manuals/dss/csm-10/man/CSs1201c4-05.htm#TopOfPage> (last visited January 27, 2009).

<sup>141</sup> Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351.

# **APPENDICES**

## **2008 CHILD ABUSE RESPONSE SURVEY FORM**

*Please answer the following questions, adding comments or explanations where appropriate:*

1. What is the name of the agency you work for? \_\_\_\_\_
2. What do you do for that agency (what is your job title)? \_\_\_\_\_
3. Do you yourself work directly with abused/neglected children?     Yes     No
4. What does North Carolina do best in responding to (*not preventing*) cases of child maltreatment? What policies/practices/initiatives work best? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. How can North Carolina best build on successes in responding to cases of child maltreatment?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. How should North Carolina improve collaboration/communication between all of the different groups working with abused and neglected children? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. What ONE problem/issue in the abuse/neglect system would you most like to see addressed in the next three years? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. What ONE change to our state law would do the most to help children who are abused or neglected?  
\_\_\_\_\_  
\_\_\_\_\_
9. What ONE child maltreatment training curriculum/session would you like to see made available in North Carolina? \_\_\_\_\_
10. What ONE manual, guide, or piece of equipment would most help you in your work with abused/neglected children? \_\_\_\_\_

***Please return by November 7th to:***

***Paul Lachance, Children's Justice Act Coordinator  
North Carolina Governor's Crime Commission  
1201 Front Street, Suite 200  
Raleigh, NC 27609  
Fax: (919) 733-4625    Phone: (919) 733-4564 ext.243***

## AGENCIES SUBMITTING SURVEY RESPONSES IN 2008

### CAC's and Child Abuse Evaluation Centers

AWAKE, Inc.  
 Child Abuse Evaluation Clinic - Southern Regional AHEC  
 Children's Advocacy Center at Carolinas Medical Ctr. NE  
 Crossroads  
 H.A.V.E.N. Children's Advocacy Center  
 Heart to Heart  
 K.A.R.E. (Kids Advocacy Resource Effort)  
 KIDS Place  
 Lincoln County CAC  
 Pat's Place- CAC  
 TEDI BEAR Children's Advocacy Center  
 The Butterfly House - Stanly Regional Medical Center  
 The Child Maltreatment Evaluation Program at Mission  
 Children's Hospital  
 The Healing Place

20B  
 23  
 25  
 26  
 29B

### Social Services<sup>144</sup>

Alleghany County DSS  
 Avery County DSS  
 Bladen County DSS  
 Brunswick County DSS  
 Burke County DSS  
 Cabarrus County DSS  
 Catawba County DSS  
 Chatham County DSS  
 Chowan County DSS  
 Clay County DSS  
 Cleveland County DSS  
 Dare County DSS  
 Davidson County DSS  
 Davie County DSS  
 Edgecombe County DSS  
 Gaston County DSS  
 Gates County DSS  
 Graham County DSS  
 Granville County DSS  
 Henderson County DSS  
 Jackson County DSS  
 Lincoln County DSS  
 Mecklenburg County DSS  
 Montgomery County DSS  
 Moore County DSS  
 New Hanover County DSS  
 Northampton County DSS  
 Pasquotank County DSS  
 Pender County DSS  
 Person County DSS  
 Randolph County DSS  
 Rowan County DSS  
 Swain County DSS  
 Union County DSS  
 Washington County DSS  
 Watauga County DSS  
 Wayne County DSS  
 Wilkes County DSS  
 Wilson County DSS  
 Yancey County DSS

### Guardian ad Litem Offices, by Judicial District<sup>142</sup>

3B  
 6A  
 6B  
 7  
 9  
 12  
 13  
 16A  
 19A  
 20  
 22  
 23  
 25  
 28

### District Attorney Offices, by Prosecutorial District<sup>143</sup>

02  
 09A  
 10  
 12  
 13  
 16B  
 17A  
 17B  
 19A  
 19C  
 20A

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<sup>142</sup> 1 additional survey from a Guardian ad Litem Office was recorded without the benefit of identifying information on the survey form itself – as such, the list of contributing GAL Offices above does not account for the Office this survey originated from (though the survey response itself was tabulated and included for consideration).

<sup>143</sup> 3 additional surveys from District Attorney Offices were recorded without the benefit of identifying information on the survey forms themselves – as such, the list of contributing District Attorney Offices above does not account for the Offices those surveys originated from (though the survey responses themselves were tabulated and included for consideration).

### Police Departments

Albemarle Police Department  
 Apex Police Department  
 Asheville Police Department  
 Atlantic Beach Police Department  
 Ayden Police Department  
 Bladenboro Police Department  
 Brevard Police Department

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<sup>144</sup> 1 additional survey from a Department of Social Services was recorded without the benefit of identifying information on the survey form itself – as such, the list of contributing Departments of Social Services above does not account for the DSS office this survey originated from.

Cary Police Department  
Chapel Hill Police Department  
Charlotte/Mecklenburg Police Department  
Clayton Police Department  
Cleveland Police Department  
Concord Police Department  
Dunn Police Department  
Durham Police Department  
Eden Police Department  
Elizabethtown Police Department  
Elkin Police Department  
Fairmont Department of Public Safety  
Fayetteville Police Department  
Forest City Police Department  
Franklin Police Department  
Fremont Police Department  
Fuquay-Varina Police Department  
Garner Police Department  
Gastonia Police Department  
Greensboro Police Department  
Greenville Police Department  
Haw River Police Department  
Hickory Police Department  
High Point Police Department  
Holden Beach Police Department  
Hudson Police Department  
Huntersville Police Department  
Jacksonville Police Department  
Kannapolis Police Department  
Kill Devil Hills Police Department  
Leland Police Department  
Lexington Police Department  
Matthews Police Department  
Morganton Department of Public Safety  
Morrisville Police Department  
Mount Holly Police Department  
Nags Head Police Division  
New Bern Police Department  
Newton Police Department  
Norwood Police Department  
Oakboro Police Department  
Raeford Police Department  
River Bend Police Department  
Roanoke Rapids Police Department  
Roxboro Police Department  
Southern Pines Police Department

Southport Police Department  
Spindale Police Department  
Stallings Police Department  
Stoneville Police Department  
Wadesboro Police Department  
Walnut Cove Police Department  
Warsaw Police Department  
Washington Police Department  
Whiteville Police Department  
Wilmington Police Department  
Winston-Salem Police Department  
Woodland Police Department  
Yadkinville Police Department

**Sheriff Offices**

Alamance Co. Sheriff's Office  
Alleghany Co. Sheriff's Office  
Anson Co. Sheriff's Office  
Ashe Co. Sheriff's Office  
Beaufort Co. Sheriff's Office  
Bladen Co. Sheriff's Office  
Caswell Co. Sheriff's Office  
Catawba Co. Sheriff's Office  
Chowan Co. Sheriff's Office  
Cleveland Co. Sheriff's Office  
Cumberland Co. Sheriff's Office  
Dare Co. Sheriff's Office  
Davidson Co. Sheriff's Office  
Edgecombe Co. Sheriff's Office  
Forsyth Co. Sheriff's Office  
Greene Co. Sheriff's Office  
Hoke Co. Sheriff's Office  
Jackson Co. Sheriff's Office  
Lincoln Co. Sheriff's Office  
Montgomery Co. Sheriff's Office  
Moore Co. Sheriff's Office  
New Hanover Co. Sheriff's Office  
Person Co. Sheriff's Office  
Polk Co. Sheriff's Office  
Richmond Co. Sheriff's Office  
Rockingham Co. Sheriff's Office  
Swain Co. Sheriff's Office  
Union Co. Sheriff's Office  
Watauga Co. Sheriff's Office  
Wilkes Co. Sheriff's Office

## **2008 CHILD ABUSE RESPONSE SURVEY RESPONSES**

*Of 680 Child Abuse Response Surveys sent out, a total of 190 surveys were returned, 15 from CAC's/Child Abuse Evaluation Centers, 14 from Guardian ad Litem offices, 20 from District Attorney Offices, 45 from Departments of Social Services, 67 from Police Departments, & 29 from Sheriff Offices (thus, yielding an overall response rate of 27.9%. The following information is intended to be generalized take on the types of responses given to specific survey items:*

### **Question #4 - What does North Carolina do best in responding to (not preventing) cases of child maltreatment? What policies/practices/initiatives work best?**

- 43 responses mentioned time frames, swiftness in responding to abuse/neglect;
- 42 responses mentioned coordinated response, collaboration, and/or Multidisciplinary Teams;
- 25 responses referred to the Multiple Response System;
- 22 responses mentioned Children's Advocacy Centers;
- 18 responses mentioned DSS involvement in child maltreatment cases;
- 6 responses mentioned Law Enforcement involvement in child maltreatment cases;
- 3 responses mentioned the Child Medical Evaluation Program.

### **Question #7 - What ONE problem/issue in the abuse/neglect system would you most like to see addressed in the next three years?**

- 21 responses mentioned insufficient collaboration, communication, and/or information sharing;
- 18 responses referred to a need for stronger laws, stiffer penalties;
- 14 responses mentioned the Mental Health system;
- 12 responses referred to burdensome caseload sizes, overworked workers, employee turnover, and/or lack of position funding;
- 11 responses referred to a need for more training;
- 11 responses referred to backlog in the court system, the amount of time it took for cases to get through the courts;
- 9 responses expressed the belief that children need to be more swiftly removed from the homes of abusive parents/caregivers;
- 9 responses mentioned funding for CAC's and/or funding for medical evaluations;
- 6 responses mentioned the availability of substance abuse treatment and/or issues related to drug abusing parents.

### **Question #8 - What ONE change to our state law would do the most to help children who are abused or neglected?**

- 59 responses called for tougher/increased penalties for abuse perpetrators;
- 9 responses called for laws which would mandate or support collaboration in child maltreatment cases;
- 9 responses called for criminal penalties for parents who have drug addicted infants;
- 9 responses referred to changes supporting the use of closed-circuit testimony and/or other procedures to allow for/ease the giving of child victims' statements in court;

- 8 responses called for child neglect, abandonment, or endangerment to be criminally penalized;
- 5 responses mentioned easier information access/information sharing;
- 6 responses called for a need for more treatment/resources for victims and/or families;
- 2 responses referred to easing the process of guardianship/court filing for grandparents and other relatives;
- 2 responses referred to maltreatment reporting and/or penalizing the failure to report.

**Question #9 - What ONE child maltreatment training curriculum/session would you like to see made available in North Carolina?**

- 46 responses requested training on forensic interviewing, interviewing skills;
- 12 responses called for training on signs of abuse, recognition of abuse, and/or duty to report;
- 12 responses called for cross-training, training on collaboration and communication;
- 10 responses called for topical legal training, prosecution and/or judicial training;
- 7 responses requested training on therapy, treatment, mental illness and/or substance abuse;
- 5 responses called for training on medical aspects of abuse, abusive head trauma;
- 5 responses requested training on abuse prevention.

**Question #10 - What ONE manual, guide, or piece of equipment would most help you in your work with abused/neglected children?**

- 42 responses referred to an as yet non-existing manual/guide/protocol or called for an existing document to be revised or changed;
- 15 responses referred to creation of a database or software application;
- 15 responses referred to laptop computers;
- 12 responses referred to an existing publication or manual;
- 8 responses referred to funding for trainings, the need for training;
- 7 responses referred to the need for a digital camera or Woods lamp;
- 5 responses referred to recording/interview equipment;
- 3 responses referred to closed-circuit testimony equipment;
- 2 responses referred to anatomical dolls.